Progressive Party (Founded 1912)
New York (State)
Annotated edition of the
platform of the National Progressive
Party of the State of New York

ANNOTATED EDITION

OF THE

PLATFORM

OF THE

National Progressive Party

OF THE

State of New York

Adopted by the State Convention,
Syracuse, N. Y., Sept. 5, 1912

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THE PREPARATION OF THE PLATFORM

Immediately after the Chicago Convention, State Chairman Hotchkiss asked several persons with intimate knowledge of the political, economic and social needs of the State, each independently, to prepare a rough draft of a platform for the consideration of a Provisional Platform Committee. Each of these persons worked several weeks and corresponded with numbers of people who knew local conditions and the desires and hopes of the people for reform. The Provisional Committee was organized ten days before the date set for the Syracuse Convention and held a number of meetings in New York City in which the several proposed drafts of the platform were subjected to rigid criticism and discussion. The full Provisional Committee was called together at Syracuse two days before the convention met and was in session almost continuously for forty-eight hours at Syracuse, part of which time was devoted to public hearings widely advertised in advance, at which everyone was given a chance to present resolutions or to suggest subjects upon which a platform utterance was desirable. The committee was composed of men and women who represented the progressive ideas and spirit of practically every county in the State. They brought to bear on their work a collective intelligence, a varied experience, and an earnestness of purpose which does not usually characterize the preparation of party platforms. To this Provisional Committee were added, when the convention organized, one member from each Congressional District, chosen by the delegates of the respective districts. Thus was emphasized the thoroughly representative and popular character of the committee. To this new committee was presented the platform as adopted by the Provisional Committee. It was then subjected to rigorous debate, section by section, and amended to meet the views of the committee of the convention, and finally presented to the convention and adopted by it without further amendment, by unanimous vote. Our platform therefore represents the mature judgment of the convention—a distinctly free and representative body of men and women—after unusual study and deliberation in its preparation.

PREAMBLE

We, the National Progressive Party, in State convention assembled, ratify and reaffirm our national platform, and pledge our support to its candidates, Theodore Roosevelt, for President, and Hiram W. Johnson, for Vice-President. The hopes of a generation are realized in the birth of the new party.

Unhampered by any corrupt political past, or by that "invisible government," which has so long coerced legislation to serve special and private interests, we present our first State ticket. In no other State of the Union can citizens place as little trust and hope in the old parties as in New York. Between the "Old Guard," which fought Governor Hughes with Democratic aid, and the Tammany machine dominating Governor Dix with Republican aid, there is no choice. Each promises reforms at conventions and forgets them at Albany.

We pledge ourselves to the elimination of special privilege in every form. We covenant unceasing war against the use of political or governmental power for the private gain of bosses or their friends, who would build up great individual fortunes through monopoly, high prices and inordinate profits.

We propose to use the powers of the government to protect property rights no less than heretofore, but seek also to serve human welfare more.

At the last session of the New York Legislature, as in former years, ample evidence was furnished of the bi-partisan conspiracy to defeat the will of the people. The Speaker of the House announced at the opening of the session that the people desired little legislation except the necessary appropriation bills, and stated that on primary and election reform measures the Republican Assembly and the Democratic Senate would not agree. They were agreed however, on early adjournment and on allowing a large portion of the session to be devoted to political log-rolling, resulting in the passage of private and local legislation chiefly for the benefit of the party machines. The present leaders of both the Republican and Democratic party machines work together and resist any effort to break up their "get-rich-quick" schemes. The Progressive party seeks to do away with these political middlemen who increase the cost of doing public business. At every turn they thwart the will of the people unless they can make it serve their pocketbooks. Our party is made up in its rank and file of those who believe that the man must be put above the dollar and the public welfare above every selfish and private gain.

WE COVENANT WITH THE PEOPLE AS FOLLOWS: THE RULE OF THE PEOPLE

(1) A REAL DIRECT PRIMARY LAW.

We denounce the so-called Direct Primary Act of 1911 as a deliberate attempt to discredit the principle of Direct Nominations and retain Boss control.

We pledge the enactment of a real direct Primary Law applicable to every elective office, and a Presidential Preference Primary Law.

The Ferris-Blauvelt primary law of 1911, passed by a Democratic legislature and signed by Governor Dix, is unlike any direct primary law ever passed in any other state, and is the worst travesty on direct nominations that could well be devised. It confers upon virtually self-perpetuating party committees a control over party nominations if anything more complete than that formerly exercised by the machine leaders under the convention system. It provides for a "faction column" official primary ballot so devised that none but candidates for nomination proposed by party committees stand any real chance of being selected. Contrary to the misleading statement in this year's Democratic state platform, it is *not* "state-wide," in the only sense in which this term has ever been used heretofore, since it does not apply to state officers, but leaves them to be nominated by the discredited convention system. It has, moreover, many other objectionable features (see Report of Citizens Union Committee on Legislation for 1911, pp. 26-8). The amendments to this law adopted at the 1912 session, when the Senate was controlled by the Democratic, and the Assembly by the Republican machine, merely aggravated its defects. One of them allowed the party organization to make the assembly district, instead of the election district, the unit of representation in the selection of party committees—a permission which was promptly taken advantage of by both parties. The result, as is well known, was an absurd and unwieldy ballot and a still further rivetting of boss control over the nominating process.

The Progressive Party now demands, in the first place, in striking contrast to both the old parties, a primary law which shall be really "state-wide," *i. e.*, which shall be mandatory for *all* elective offices. Laws of this sort are now in force in 28 states (Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan (certain exceptions) Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Washington, Wisconsin and Wyoming) including a total population of 47,907,718. In six other Southern States (Alabama, Arkansas, Florida, Georgia, South Carolina and Virginia) party nominations for practically all elective offices may be, and under the rules of the Democratic or majority party are, made by legally regulated direct primaries. Thus in 34 states, includ-63½ per cent of the total population of the United States, practically *all* elective officers are directly nominated.

One of the strongest reasons for applying the direct primary system to state as well as local offices is that wherever this is done the popular interest and participation in primary elections is greatly increased. In Indiana, Minnesota, Ohio and Pennsylvania, where, as in New York, the law does *not* apply to state offices, the popular vote is usually smaller than in the real direct primary states. In these latter states it

averages nearly 60 per cent. of that afterwards cast at the general election. Since the main purpose of any direct primary law is not merely to permit but to encourage and actually secure the fullest possible expression of the will of the rank and file of the party, the law which applies to those offices in which the voters are most interested, and thus attracts the largest numbers to the polls, is the best direct primary law.

In every state except New York which has adopted the direct primary system an official primary ballot of the "office group" type has been provided for. On this form of ballot the names of all candidates for nomination for any given office are grouped under the title of the office, and no preference is given to any one candidate, or set of candidates, over another. We demand an impartial primary ballot of this sort for New York.

In addition, our pledge for a "real direct primary act" means a simple, understandable type of party organization, full election safeguards at the primary election, and reasonable requirements as to the number of signatures on nominating petitions. Simplify nomination procedure and the boss gets smoked out into the open.

In many of the direct primary states (California, Massachusetts, Nebraska, New Jersey, North Dakota, Oregon, Pennsylvania, South Dakota and Wisconsin) delegates to national party conventions are now chosen by direct popular vote. In a number of states (California, Illinois, Maryland, Massachusetts, Michigan, Nebraska, New Jersey, North Dakota, Oregon and Wisconsin) the names of the various candidates of each party for nomination for President and Vice-President are also placed on the official primary ballot and voted for directly. This plan, when tried last spring, produced an expression of popular opinion infinitely fuller and more accurate than has ever been obtained under the convention system. Indeed, in most of these states over 50 per cent of the voters recorded their preferences where probably not over 10 per cent or 15 per cent had ever taken part before in the choice of presidential candidates. The voters of New York should be given a similar opportunity to express their wishes.

(2) THE ELECTION LAW.

We denounce the Levy Election Law as a bi-partisan conspiracy; we pledge its repeal and the enactment of a fair and understandable statute.

For years the machine leaders of both the old parties have worked to secure and maintain an election law under which every conceivable advantage should be accorded to themselves, and independent action of any sort made as difficult as possible. It remained, however, for the Democratic party in 1911—when it controlled both houses of the Legislature and the Governor—to pass, in the teeth of almost universal protest, the most shameless set of amendments ever attempted. These amendments (contained chiefly in the so-called Levy Election Law, but partly in the Ferris-Blauvelt Primary Law) were shrewdly designed to make fusion movements virtually impossible, to make the difficulties in the way of filing independent nominating petitions almost insuperable, to remove some of the safeguards previously secured for the purpose of preventing illegal registration and voting, and to expose the electoral machinery of the state to the degrading influence of the spoils system. So flagrantly unfair were some of these provisions that they were promptly contested in the courts—with the result that many of them have since been declared unconstitutional and void by the Court of Appeals. The provisions as to the form of the ballot—preventing the name of a candidate nominated by two or more parties for the same office from appearing in more than one column—were thus thrown out by the court a year ago; and recently the same treatment has been accorded to the provisions raising to an ab-

surdly high figure the number of signatures required for independent nominating petitions for certain offices. Never have the courts been more outspoken than in these cases in denouncing attempted electoral legislation as unfair and discriminatory.

In spite of these decisions, however, many provisions of the election law still remain which are almost as vicious as those thrown out by the courts, and the whole statute is left in a patched-up and confused condition. It should be promptly revised, simplified and thoroughly amended. (See Citizen's Union Committee on Legislation Report, 1911, pp. 28-31.)

(3) DIRECT ELECTION OF UNITED STATES SENATORS.

We favor the election of United States Senators by direct vote of the people.

A resolution to amend the constitution of the United States so that senators shall be elected by a direct vote of the people of the several states instead of their legislatures was passed by Congress last May and is before the states for action. To the ratification of that amendment by the legislature of this state we pledge ourselves.

The demand for a direct election of political officers so important as senators, like that for the newer direct primaries and short ballot, has become general; and in part for the same reason. At best, legislative selection is made by party caucus which no primary law regulates. State legislatures also are chosen for their senatorial preferences instead of their fitness to serve their state. Efficient local government requires that the choice of state officers be in every way separated from national politics.

Between 1891 and 1905 no less than forty-six deadlocks in legislative elections occurred; the session passing in fourteen cases without a choice of senator. Demoralization or complete paralysis of state business, loss of representation in the Senate, riots, martial law, bribery and corruption ensued. The United States Senate has, up to 1905, investigated the election of ten senators for bribery and found two guilty. The recent case of Senator Lorimer of Illinois, first acquitted by the Senatorial Committee, then investigated by a state legislature and found guilty, then at its request reinvestigated and expelled by the United States Senate is fresh in our minds. And these cases but point out the evils of the system in its regular operation. It is no wonder that in recent years thirty state legislatures have passed resolutions asking Congress to act in favor of an amendment to the National Constitution; that the National House of Representatives has five times passed such an amendment itself only to see it defeated in the Senate; and that twenty-eight states, by their primary laws, endeavor with only partial success to accomplish the same result. Seldom has the demand for a reform been so constant or so universal.

(4) AN OFFICE GROUP BALLOT FOR ALL ELECTIONS.

We favor the type of Massachusetts Ballot.

Under our present form of ballot—which is usually known as the "party column" form—the names of all the candidates for the several parties are arranged in parallel columns, each column or "ticket" headed by the name and emblem of the party to which it belongs. To vote for *all* the candidates of any one party the voter need only make a *single* cross mark in a circle provided for that purpose at the head of each party column. To vote for most of the candidates of one party and one or more candidates of any other party, he must make *several* cross marks. In order to be sure of making these marks correctly, he must familiarize himself not merely with the instructions printed at the top of the ballot

—for these are incomplete—but also with a complicated set of rules covering four pages of the election law—rules which the Appellate Division of the Supreme Court for the first district said in 1903 that it found great difficulty itself in understanding! In other words, the voter who tries to vote a "split ticket" does so at his peril. Not merely must he take more time and trouble than the "straight ticket" voter, but he must run the risk of having his ballot thrown out as void because of some mistake in marking. The slight convenience offered by the party circle to the voter who is willing *always* to vote for *all* the candidates of his party is gained at the expense of an odious alternative to every other voter who may occasionally wish to split—the alternative of voting "straight" against his will or running the risk of losing his vote entirely.

That this risk is a very real one is shown by the large number of ballots every year thrown out as void because of mistakes in marking. It is also indirectly evidenced by two recent instances which occurred in New York City. In 1905 Mr. Jerome ran for District Attorney on an independent ticket. Mr. Flammer, who had been nominated for this office by the Republicans, withdrew before the election, but not in time to have his name removed from the ballot. His withdrawal was widely announced, and thousands of dollars were spent in advertising to instruct the voters how to mark their ballot for Mr. Jerome. Nevertheless, on election day over 14,000 votes—over 20 per cent. of the total Republican vote—were thrown away in the Republican column for a man who was not running. So again, in 1909, when the Independence League changed its name to the Civic Alliance, and a column was placed on the ballot headed by the name and emblem of the Independence League, but with the words "No nomination" below opposite the title of each office, over 16,000 votes were cast in this column and completely wasted.

These two instances show the fear now felt by the average voter for any attempt to vote otherwise than by a single cross mark under his party emblem, and the consequent artificial restriction on independent voting. They also show the extent of the premium now placed upon stupidity and blind habit—the handicap, probably equal to at least 20 per cent. of the total vote, regularly given to the machine. Under this system candidates for the minor offices make no effort to appeal to the voters, but trust to being pulled through by the head of the ticket. It takes a veritable tidal wave of popular disapproval to beat even the worst candidate who may chance to be running on the successful ticket. Why should the boss's candidate have a 20 per cent. head start in the race?

This form of ballot and the rules for marking that go with it, were adopted here as a compromise between the *real* Australian ballot and the old American system of separate ballots for each party. Practically the pure Australian form of ballot, however, was adopted in Massachusetts. Under this form, the names of all the candidates for each office, together with their party designations, are placed in a separate group under the title of the office. There is only one method of marking, for "straight ticket" voters and "split ticket" voters alike—a cross mark opposite the name of each candidate selected:

FOR GOVERNOR.		VOTE FOR ONE.	
X	Prog. Emblem	John Doe	Progressive
	Socialist Emblem	James Jones	Socialist
	Republican Emblem	Richard Roe	Republican
	Dem. Emblem / Prohib. Emblem	William Smith	Democratic & Prohibition

It requires a little more time and effort from all voters, but instead of imposing an arbitrary risk upon any class of voters it places all classes upon an absolute equality. It also compels separate consideration of the candidates for each office and a *real* choice between them. Each office gets separate scrutiny, and it is just as easy to split as to be a rubber stamp. That is why the bosses hate it and fight it. Where it has been tried, however, it has by no means weakened political parties, as has been sometimes asserted, but has strengthened them by compelling them to put forward their best men.

This form of ballot is now in use in twelve states (Arkansas, California, Florida, Maryland, Massachusetts, Minnesota, Mississippi, Nevada, New Jersey, Oregon, Tennessee and Virginia). A "party column" form of ballot, but one on which each candidate must be voted for by a separate cross mark, is also in use in four other states (Iowa, Montana, New Hampshire and Wyoming). Almost all of the 200 odd cities which have adopted the commission form of government have also adopted the "office-group" form of ballot (usually without party designations) for their municipal elections; and several states have provided for a separate "office group" ballot (also without party designations) for the election of judicial officers.

That it is a fair and *natural* form of ballot is further shown by the fact that almost all the labor unions use it for the election of their officers.

(5) CORRUPT PRACTICES AND ELECTION EXPENSES.

We pledge the enactment of a Corrupt Practices Act by which election abuses shall be clearly defined and bribe-giving punished by imprisonment only; legislation requiring the publication at least once a week during the campaign of all receipts and disbursements by committees, candidates and workers, together with full accounting within ten days after election; the use of public buildings for political meetings, primaries and elections, thus adding dignity to the voting function and reducing the expenses of campaigns.

New York's corrupt practices act is not up to date. Several states, notably Wisconsin, have gone much further in suppressing election abuses and making an election a fair, full and untrammeled expression of the will of the people. Unless the statutes define election abuses in great detail, ways are found to circumvent them. The laws against bribe-giving will never be really effective until the punishment is imprisonment only, and not imprisonment or a fine. The penalty should be enforced against the bribe-giver, for if both the giver and the receiver are penalized, neither will furnish evidence against the other. Fines are cheerfully risked, and, when need be, paid by those "higher up," for whom the actual bribe-giver acts as agent. But a term of imprisonment cannot be passed on to the man higher up.

The present law requires the publication of receipts and disbursements of candidates and committees only after election. It is ineffective. The names of contributors and the amounts of their contributions may be of great political interest. The public should know who are supporting each candidate, and how greatly they are interested in his success. Individuals who are neither candidates nor committees may collect and expend moneys under existing law without publicity. The receipts and disbursements, not only by committees and candidates, but by workers, should be published from week to week during the campaign, and a full accounting made within ten days after election.

One of the greatest problems in purifying politics is to reduce the necessary and legitimate expenses of

election to the lowest possible point. In the school buildings the community already possesses structures well adapted to all legitimate political uses. They should be made available to all political parties on equal terms for political meetings. The primaries and elections should be held in school rooms, court rooms, town halls and other public buildings, not only as a measure of economy, whereby large sums may be saved annually, but to promote a greater sense of dignity and responsibility in the conduct of elections. In California, for example, school buildings are frequently used as polling places instead of the barber shops, laundries and cigar stores to which we are accustomed in New York. No public building is too good for elections in which vital public policies are determined, and the welfare of future generations profoundly influenced.

(6) WOMAN SUFFRAGE.

We pledge our party and its candidates to support loyally and work for the women's suffrage constitutional amendment at all stages.

In New York State, since 1851, there have been suffrage bills which have always failed, often-times by agreement, the assembly taking the responsibility one year and the senate the next. This year the Progressive Party, by its pledge to work for suffrage, has forced the two old parties which have so long agreed to defeat this measure, to *favor* it in their platforms. The Democratic Party has not only defeated suffrage amendments, but it has so amended the election law that the women who served so ably as watchers at the polls are denied even that citizenship privilege.

In the States of California, Colorado, Idaho, Utah, Washington and Wyoming, women vote with an estimated voting power of 1,346,925. Women have been voting in these states as follows: In Wyoming, since 1869; in Colorado, since 1893; Utah, since 1896; Idaho, since 1896; Washington, since 1910; California, since 1911.

This year, five states—Nevada, Kansas, Oregon, Michigan and Wisconsin—will decide the question at the fall election. In Ohio, the amendment was defeated by the same powerful interests, thoroughly organized, with unlimited funds, which the Progressive Party is engaged in fighting all over this country.

In Vermont, the Progressives have made good the National Plank by introducing two suffrage amendments —at the only legislature in session to which Progressives have been elected.

The old stock arguments that women will not understand political issues, will not work in party lines, will desert their other interests, will neglect their homes, are being so rapidly disproved by their participation in party management in some fifteen Eastern States that men and women who have never thought seriously of votes for women are accepting it as the natural thing in politics. In New York State alone more than two hundred women are serving on district, county and state committees; in the New England States, they are serving on town and state committees. In Rhode Island, that boss-ridden state for men, the women maintain the headquarters and raise the money for the whole campaign. Throughout the East they are raising money, distributing literature, speaking, providing speakers, furnishing enthusiasm and ideas, and showing genius at political organization.

New York is facing moral issues no better illustrated than by the present investigation into police conditions in New York City; immigration conditions, known to working women and children; labor conditions which affect the health and welfare of the home, as well as of industry. Women understand the dangers and sympathize with the suffering and would attack the evils in many ways that men, busy with business or the routine of public office, would not. The insight, understanding, energy and ideas of the whole body of women are allowed to filter away in discussions, in welfare work, in philan-

thropy, in miscellaneous clubs, when the great political regeneration now under way needs all they have. For their experience in philanthropy and clubs, the party will be the richer, and the time has come to unite the effort of women in a political ideal. In this ideal the interests of all women are identical. If one group is oppressed and without a living wage, it is the concern of all!

Do you have to work 12, 13 or 14 hours a day?

Do you ever have time to eat your lunch, or just snatch a bite as you keep on working?

Do you ever work overtime and when you want to go home because you are sick or you need to care for a sick mother, are you told not to come tomorrow?

Do you ever have to stand all day at your work and have no chair to sit down on even for a minute's rest?

Do you receive $2.50, $3.50, $4.00 or $5.00 for your week's work and wonder how you can live on it?

Have you ever been discharged for no apparent reason when you expected to work for the season?

Do you ever have to pay 25c for being five minutes late when it takes over two hours to make that amount?

Have you ever had to pay for bad work which was not your fault?

Is there any more reason why you should pay for needles, thread, machine or power than for the material you work on? The boss does not pay you more because you pay for them and it only means less money for you.

Were you ever compelled to pay money into a "benefit society" in your factory or store and had this money taken out of your pay envelope and not got a cent back when you were discharged?

Were you ever discharged because you talked about organizing or were active in the Union?

Don't you think you have stood this long enough? Don't you want to change these conditions for yourself and your sisters and fellow-workmen?

The women insist that this shall not go on. The vote is a powerful weapon in the fight. Education and party activity go hand in hand with it. New York State, through the Progressive Party, must free its working women, and this cannot be done without women's votes.

(7) THE INITIATIVE, REFERENDUM AND RECALL.

To give the people an effective ultimate check upon the abuses of governmental power, we favor the Initiative, Referendum and Recall, and hereby specifically reaffirm our national platform.

We would give the Governor, under proper restrictions, the power directly to invoke the Referendum as to a legislative measure recommended by him, but not enacted by the legislature.

We favor a constitutional amendment enabling the people to propose constitutional amendments by petition and to adopt or reject at the polls amendments so proposed.

The *"Initiative"* is a method whereby a certain percentage of the voters in any state—varying from 5 to 25 per cent. in different states, but usually 8 or 10 per cent.—may, by petition, submit to popular vote any measure which they wish to have adopted. In some states a measure so proposed must first be submitted to the legislature, and can be submitted to popular vote only in case the legislature fails to pass it in its original form. If the legislature introduces amendments, the amended form is usually submitted to the voters along with the original measure, and they are allowed to choose between the two. In other states a measure proposed by initiative petition is submitted directly to the voters without reference to the legislature. In either case the measure becomes law only if approved by a majority of the votes cast—some-

times a majority of all the votes cast at the election, for officers or measures, but more often a majority of the votes cast on the particular measure.

The *"Referendum"* is a method by which a certain percentage of the voters—varying from 5 to 25 per cent. in different states, but in the great majority of cases 5 per cent.—may, by petition, suspend the operation of any law passed by the legislature and submit the law to popular vote. In some cases the law remains in force unless repealed by the vote of the people, but ordinarily it is suspended, and only a popular majority in its favor can revive it. In some states the legislature, by either a majority or a two-thirds vote, may, by declaring that an "emergency" exists, prevent the referendum from being invoked against a measure, but more commonly the declaration of an emergency merely puts the measure into effect at once, pending a possible submission to popular vote.

The *"Recall"* is a method by which a certain percentage of the voters—varying from 12 to 55 per cent., but on the average, 25 per cent.—may, by petition, compel the holding of an election to determine whether or not a public officer shall serve out the unexpired balance of his term. In some cases the recall election merely settles this question, but more often a regular election is held, just as if the officer's term had expired, and other candidates are nominated to run against him.

These devices, though comparatively new in this country, are by no means untried. The Initiative and Referendum have been in operation in Switzerland for several generations. The recall of officers is also provided for in some of the Swiss cantons, though, as a matter of fact, it has remained practically unused. In the United States, constitutional amendments almost without exception, and in many states certain classes of statutes as well, have long had to be submitted for ratification to popular vote. In 1898 South Dakota adopted the initiative and referendum as above described, and they are now provided for in the constitutions of fifteen states—Arizona, Arkansas, California, Colorado, Maine, Michigan, Missouri, Montana, Nevada, New Mexico, Ohio, Oklahoma Oregon, South Dakota and Utah.[1] In five other states—Idaho, Mississippi, Nebraska, Washington and Wyoming—constitutional amendments providing for both the initiative and the referendum will be submitted to the voters on November 5,[2] and in North Dakota and Wisconsin similar amendments have been passed once by the legislature and, if repassed, will be submitted to the voters in November, 1914. The recall of elective officers was first adopted in this country in Los Angeles in 1903, and is now provided for in the constitutions of three states—Arizona, California and Oregon. In three other states—Idaho, Nevada and North Dakota—amendments providing for it will be submitted to the voters, in Idaho and Nevada on November 5 next and in North Dakota in November, 1914. In addition, the initiative, referendum and recall have been provided for in the charters of a large number of cities, including most of the 200-odd cities which have adopted the commission form of government.

So much for the definition and spread of these methods. The principal reason for their adoption has been the abuse of governmental power by those in control of our state governments—and particularly the inefficiency of our state legislatures and their subserviency to boss domination and corrupt influences. Though representative in theory, most of the state legislatures are notoriously unrepresentative in practice, and new methods of popular control are urgently demanded. It is as an instrument for rendering a legislature genuinely representative, and not as a sweeping substitute for

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[1] In Nevada the constitution now provides only for the referendum, but an amendment providing for the initiative will be submitted to the voters on November 5th. In Utah the constitution provides for both the initiative and referendum, but leaves their operation dependent upon supplementary legislation which has never been passed. In New Mexico only the referendum, and in Michigan only the initiative on constitutional amendments are provided for.

[2] In Idaho the proposed amendment makes the operation of both the initiative and referendum dependent, as in Utah, upon supplementary legislation.

law-making by a representative body, that the initiative and referendum are now put forward. When the voters have the power to pass any law without the consent of the legislature and to refuse their consent to any law which the legislature may pass, not only does the incentive on the part of any selfish interest to exercise control over the legislature largely disappear, and with it the value of the commodity which the boss as middleman has heretofore disposed of, but also the members of the legislature themselves are constantly reminded of their responsibility to the voters. In short, the very existence of these instruments of popular control tends to obviate the necessity for their frequent use.

In so far as they may come to be used, however, these new methods, as compared with the methods of law-making *actually* in use in most of our state legislatures, will secure on the average more careful drafting, and a greater amount of deliberation before final action, than we secure at present. This is admitted by Professor Henry Jones Ford, of Princeton, a former strong opponent of direct legislation. "From personal investigation of the case," he writes, "I am satisfied that the process of legislation by initiative as practised in Oregon does provide for more careful legislation than the ordinary procedure in an American legislature." (Annals of the Amer. Acad. of Pol. and Social Science, September, 1912, pp. 73-4.) As it is, many of the most important measures passed by our legislative bodies are drafted by persons outside the legislature—by heads of administrative departments, members of organizations interested in social or political reforms who are experts in their respective fields, attorneys for various groups or interests, including private corporations, etc. Bills thus prepared are usually subjected to amendment by committees of the legislature, but amendments so inserted are more apt to detract from, than to add to, their value. The careful discussion and deliberation theoretically assumed to be accorded to each measure by a "representative" legislative body is in practice, as a general rule, markedly absent. With any adequate provision for *publicity*, such as is found in the Oregon system—where a pamphlet containing information and arguments on all measures submitted to popular vote is mailed to every voter—a law enacted by the initiative and referendum method receives a far larger amount of intelligent consideration.

Where such provision for publicity exists, the vote on measures submitted to the people amounts usually to a very satisfactory percentage of the total vote cast. It is the absence of any adequate provision of this sort which is chiefly responsible for the smallness of the vote often cast on constitutional amendments in such states as New York and Massachusetts, and which renders the past experience of these states virtually negligible as an argument against the initiative and referendum.

By gradual experiment some practical means must be devised for separating large and comparatively simple questions of policy, which the voters are best fitted to pass upon, from questions of administrative detail, and for leaving the latter to be settled by legislation or by administrative regulation. As a practical matter, however, it has been found that when the voters fail to understand a question submitted to them they are apt to vote "No," and thus to postpone its decision until such time as they are convinced of the desirability of the proposed change. If this means the occasional postponement of a valuable reform, which, under the present system could be more quickly "slipped through" the legislature, it makes certain at least that such a reform, when it does come, will be founded upon an aroused and enlightened public opinion which will offer the best guarantee of its effectual enforcement—a result thoroughly in line with our best American traditions.

The recall, while perhaps less urgently needed than the initiative and referendum, offers—when combined with the lengthening of the terms of executive officers, now generally admitted to be desirable, and with the greater concentration of executive power brought about by the short ballot—a valuable means of control over the executive branch of the

government. It has already been used with great success to get rid of unsatisfactory mayors in several western cities. Even if—as has been proved to be the case in Switzerland—the existence of other means of controlling our executives should render its use virtually unnecessary, the power to resort to it in emergencies will probably prove a valuable weapon in our constitutional arsenal.

In recent years our chief executives in various states have often proved effective popular leaders against the "invisible government," which, through the two old party organizations, has usually controlled our legislatures. As a means of giving to such a Governor the power to call in the aid of the people more effectively, and to submit to their decision the issue between himself and the legislature on any specific question, we propose that the Governor, under proper safeguards, be permitted to refer to popular vote any measure recommended by him which the legislature fails or refuses to enact. Recall the struggle between Governor Hughes and the bipartisan combine which conspired to defeat his proposed direct primary bill. Consider the many important measures which won him the strong popular support which he enjoyed in this state. One will then appreciate what an effective weapon for invoking the will of the people is this proposed executive referendum. The mere existence of such power would give pause to a legislature which desired to thwart the will of the people. With the right to ask the people to decide at the next regular election as between his recommendation and the action thereon by the legislature, the Governor, as well as the members of the legislature, would be more likely to endeavor to enact into law the pledges of the party platform. On the other hand, it would be dangerous for the Governor to attempt to invoke the referendum unless he were reasonably sure of the backing of public sentiment. To be turned down frequently by the people would serve as a warning and rebuke to him. Who can doubt that had Governor Hughes enjoyed the power which this proposal would have placed in his hands, we would have written on our statute books today a real direct primary law instead of the pernicious pretence of a primary law which now makes of us the laughing-stock of other states.

The rule of the people has been thwarted more than in any other way by their inability to control their fundamental law. It is idle to argue that the people of twenty or fifty or a hundred years ago who originally adopted a constitution were any wiser or better able to determine the proper forms, functions and limitations of government than the people now are. In the power of the people to revise or amend the constitution without the consent of any mere branch of their own government lies the essence of popular sovereignty. For this reason the Progressive Party lays especial emphasis upon the Constitutional Initiative—*i. e.*, the method by which a certain percentage of the voters—varying from 8 to 25 per cent., but in most cases 8 or 10 per cent.—may submit directly to popular vote any constitutional amendment which they choose to propose. This method of amending a State Constitution is needed even where constitutional conventions are called at regular intervals, for by means of it particular constitutional questions may be set apart and voted upon directly without the confusion that often attaches to the ratification or rejection of a constitution as a whole.

At present the constitutional initiative is provided for in the constitutions of nine states—Arizona, Arkansas, California, Colorado, Michigan, Missouri, Ohio, Oklahoma and Oregon. Amendments providing for it will be voted on in three other states—Mississippi, Nebraska and Wyoming—on November 5, and probably in two more—North Dakota and Wisconsin—in 1914.

(8) RESPONSIVE AND EFFICIENT STATE GOVERNMENT THROUGH SIMPLIFYING ITS ORGANIZATION.

We favor the Short Ballot principle and appropriate constitutional amendments.

At present we elect seven different state officers, from four to a dozen county officers in each county and upwards of five or six municipal officers in each city, village or town —as well as members of both houses of the legislature and judges of our state and local courts. Within the state, county or municipal governments each of these elective officers is independent of all the others. Neither the governor nor the county board of supervisors nor the mayor of any city (with the possible exception of Greater New York) nor any other authority has any adequate power over, or responsibility for, the general conduct of government in his or its respective sphere. The federal government is not run on this plan. No popular government in any other part of the world is run on this plan. If such a plan were tried in any private corporation the result would soon be bankruptcy.

The prime requisite for administrative efficiency is, not the *diffusion*, but the *unification* of authority and responsibility. There must be one head somewhere within each sphere of administration, state, county or municipal. This is the system which has always been in force in the federal government, where the President is the absolute chief of the executive branch, with power to appoint—either independently, or with the concurrence of the Senate, or through his own appointees—and to dismiss at pleasure all his subordinates, from the cabinet officers down. This is the system, not merely in a bureaucratic country like Germany, but equally in such radically democratic countries as Switzerland, New Zealand and Australia. In these latter countries only *policy-determining* officers are elective; all officers who merely carry out and administer the policies determined upon by others are appointed and removable by a single *responsible* executive authority. With us at present the minor state and local officers are virtually appointed by an *irresponsible* boss. Governor Hughes recommended the system of responsible appointment for New York State. It is the *only* system which *works*.

Not merely is it the one system which produces *efficiency;* it is equally the one system which produces real *responsiveness to public opinion—real popular control* over the conduct of government. Suppose a man running an automobile were required to control each part by the use of a separate lever! He couldn't possibly attend to all the levers at once. The mechanism must be arranged so that by reaching a very few levers he can quickly and easily control every part of the machine. So in the case of our governmental machinery, the voters can control it effectively only by electing men whom they can trust to a few strategic offices and controlling all the other offices through them.

The bosses are naturally opposed to this plan. They want to make the business of controlling the government as complicated and difficult as possible—to make "politics" a learned profession to be practised by experts only. This is what it will remain as long as the voters are called on to choose fifteen or twenty officers on Election Day and keep watch of them all afterwards. We favor a "short ballot" on which only a few important officers would be voted for at each election. Such a ballot would make "politics" a business which every voter could understand and take part in. It would relieve the voters from a host of petty and meaningless political duties and set them free to exercise real political power in the choice of important officers and the decision of vital questions.

(For further data on this subject address the Short Ballot Organization, 383 Fourth Ave., New York City.)

(9) MUNICIPAL HOME RULE.

Municipalities should be given power to adopt and amend their charters in matters pertaining to their powers and the duties, terms of office and compensation of officials; incurring of obligations; methods and subjects of local taxation; and the acquisition and management of municipal properties, including public utilities. We are opposed to special legislation dealing with such subjects.

We would make it possible for any city to adopt the Commission form of government.

At present, in New York State, when any municipality other than a city of the second class (which is governed by the general second class cities law) wishes to become incorporated and secure a charter, or when any city wishes to amend its existing charter, it must go to the legislature and have a special act passed. Municipal corporations can only exercise such powers as are specifically granted to them, and their charters commonly enumerate these powers in such detail that whenever the slightest change in conditions occurs new legislation is required. Thus, for example, in 1912 special acts had to be passed to allow Hoosick Falls to spend $50,000 for street paving; Port Chester, to borrow money to repair a fire house; East Chester, to buy a fire engine costing not over $8,000; Buffalo, to change the salary of the superintendent of education; Saratoga Springs, to license dogs, etc. A very large proportion of the acts passed at each session deal with such purely local matters as these. A member from Lockport is asked to vote on the municipal problems of Newburg, or vice versa, with the result that these problems are carelessly handled and the time of the legislature wasted. The efficiency of city officers, moreover, is constantly impaired by mandatory state legislation interfering with the details of their administration. It would be hard to devise a system more open to control by sinister influences and less calculated to develop local interest and responsibility.

To remedy this evil it is proposed to set apart by constitutional amendment a sphere of local government within which any municipality shall be free to regulate its own purely local concerns, without the necessity of securing special authorization from the legislature and without the danger of subsequent legislative interference. It is further proposed to allow any municipality, by a charter convention or some other suitable method, subject to ratification by popular vote, to adopt and amend its own charter as to all matters coming within this sphere. In all *state,* as distinguished from purely *local* matters, however—such as general police administration, the administration of justice, the conduct of elections, public health, education and the limitation of municipal indebtedness—the general laws of the state would continue paramount.

This is not an untried scheme. In France and Germany all cities have the power, independent of any special grant, to regulate all their local affairs in so far as such action does not conflict with some general law. In this country, beginning with Missouri, in 1875, ten states (Missouri, California, Washington, Minnesota, Colorado, Oregon, Oklahoma, Michigan, Arizona and Ohio) have incorporated it in their constitutions, and Wisconsin has recently made similar provision by statute. The general verdict is that the plan, on the whole, has worked admirably, and there is no desire in any of these states to return to the old method.

For cities which do not care to avail themselves of this permission to frame their own charters, general forms of government should be provided applicable to all cities or to all the cities of any given class, and special legislation should thereafter be narrowly restricted.

One such general law, open to adoption by any city, should provide for the so-called "commission form"

of government. Under this form the powers which in most American cities are scattered among a large number of elective officials and a two-chambered city council, are collected and concentrated in a small commission. The commissioners are generally chosen under a non-partisan electoral system, and are held responsible to the voters not only by the conspicuousness of their position but also by adequate provision for the publicity of their official acts and for popular control through the initiative, referendum and recall.

Starting with Galveston, in 1901, the commission plan has rapidly spread over the whole country. Twenty-one states have provided for it by general permissive state laws; and under such laws, or by home-rule charters, or by special act of the legislature, 201 cities in 33 states have now adopted it. Seven of these cities (St. Paul, Oakland, Birmingham, Memphis, Omaha, Lowell and Spokane) have populations of over 100,000. The total population of all the cities which have adopted the commission form of government is 4,397,642, or, if Boston and five other cities with charters closely resembling the commission form be included, 5,221,378. Many of the cities and villages of New York have for years been seeking permission to adopt this form of government. They should be allowed to do so without further delay.

(For further information on this subject address the Municipal Government Association, 13 Park Row, New York City.

(10) CIVIL SERVICE.

We pledge ourselves to administer and uphold the civil service laws of the State; to extend the competitive list; and to make examinations an efficient test of real qualifications for appointment.

Every political boss tries to use for the benefit of his party, his friends and himself the numerous positions established for the transaction of the State's business and the handling of its varied lines of work. To prevent this flagrant evil which paralyzes public business to promote private fortune and party strength, the constitution and the laws provide a system of competitive examinations for those wishing to enter the State service, and declare that "so far as practicable" all appointments shall be so made. The commission appointed by the Governor decides which positions it is not "practicable" to fill by examination. This is the weak link in the chain. Governor Dix declared before his election that he was in complete sympathy with the civil service plan and would appoint a Civil Service Commission who were, but he did just the opposite. There are now not less than fourteen hundred places in the exempt class, and about three hundred of them were placed there in the first year of the Dix administration.

Among the important departments whose usefulness was thus crippled are the State Bureau for the Prevention of Fire, created as a result of the Asch Building fire, when four hundred and forty-seven factory workers, mostly young women, lost their lives; and the State Labor Department, thereby diverted in part from its high purpose of protecting factory workers to that of making places for political workers.

After giving preference to the veterans, as the law requires, every citizen should have an equal right to enter public service, according to his ability to perform the duties of the position sought. This right can only be secured to him by the merit system.

Examinations should not be academic but should relate to the duties of the position in question and should offer a fair and actual test of the man's ability to perform those duties. Such examinations will not only eliminate politics, but secure an efficient State service, an economical use of the people's money, and the accomplishment of the proper purpose for which State departments were established.

(11) REFORM OF LEGISLATIVE PROCEDURE.

The present rules of Legislative procedure have been instruments by which the bi-partisan machine has carried out in legislation the sinister purposes of the "invisible government."

We favor just rules of procedure; a public record of the votes of all legislative committees and the abolition of every secret point of access to legislation. We believe that to prevent raids upon the public treasury the Governor should have power to reduce items in the appropriation bills.

No person who has been brought closely in contact with the actual work of the legislature can fail to have been impressed with the loose and haphazard character of its methods of doing business, with the secrecy which cloaks all the work done by committees and with the consequent ease with which corrupt influences may be brought to bear upon the machinery of legislation. The two best safeguards against such influences are *publicity* and *due deliberation*—but these safeguards are very inadequately provided for under the present rules. Haste and secrecy mark the whole conduct of legislative business—and especially that part of it which, in all our American legislation, has become pre-eminently important—the work done in committees. It is a well known fact that the committees of the legislature are supposed to examine and report upon all bills introduced. Every bill is referred to some committee, the more important bills are usually revised and redrafted by the committees and the fate of most measures is virtually settled in committee rather than on the floor of either house. It is all the more alarming, therefore, to discover that no adequate public notice of the meetings of these committees is now provided for, that no calendar of the business to be transacted by each committee is anywhere posted, that the calling of meetings of committees and the decision as to the business to be transacted at these meetings are virtually left to the arbitrary discretion of the chairman; that the reports of committees do not state how many, or which, members were present at the meetings at which action was taken, nor how the several members voted; that no minutes or records of committee meetings are regularly kept or afterwards made available for public inspection, and that action on important bills is often taken at meetings hastily called and attended by only a minority of the members of a committee. These conditions must be promptly altered.

Not only should the procedure in committees be so amended as to provide for regularity, publicity and deliberation, but the procedure on the floor and the rules governing the introduction of certain classes of bills should also be changed. At present, for example, amendments offered on second reading are often read only in part, or not read at all, with the result that the members have no definite knowledge as to what they are voting on. The constitutional provision requiring the vote of each member to be recorded is often nullified by the use of the so-called quick roll-call. Toward the end of each session, moreover, the congestion of legislative business is always so great that the chances for careless or corrupt action are multiplied—and it is just during these closing days of the session that the most important bills are finally voted upon. This last mentioned evil might be lessened by a requirement that all local and private bills must be introduced and finally acted upon not later than a given number of weeks before the close of the session. These, however, are but samples of existing abuses, all of which call for a speedy and thoroughgoing remedy. Such a remedy the Progressive Party pledges itself to provide.

At present the Governor of New York, like the governors of 31 other states, has the power to veto, not only an appropriation bill as a whole, but also any item or items of such a bill, provided such items are sep-

arable from the rest of the measure. In one of these 31 states, Pennsylvania, it has been held by the courts (199 Pa. St. 161) that the Governor may *reduce* an item in an appropriation bill by approving it for a specified amount less than that appropriated and disapproving it as to the remainder. We recommend that this power be now given to the Governor of New York. Taken together with the power to frame and submit an adequate budget (see post, section 22) it would enable the Governor to exercise an efficient control over the finances of the state—a control which under our present system is nowhere exercised, and which the rapid growth of our expenditures renders increasingly indispensable.

(12) LEGISLATIVE REFERENCE AND DRAFTING BUREAU.

We favor the creation of a permanent legislative reference and drafting bureau to aid in the drafting of legislation, with authority to make public its report upon any bill.

The need for Legislative Reference and Drafting Bureaus to assist legislators in the preparation of statutes has been recognized in many parts of this country, notably in Wisconsin. Sound legislation on any subject, and particularly legislation affecting social and industrial problems, must be based upon accurate knowledge of existing conditions and of the operation of similar laws in other states or foreign countries. The average legislator has little time to familiarize himself with such matters. Reference Bureaus have demonstrated their effectiveness in rendering available for the daily use of legislators information respecting conditions within the state which will be affected by proposed legislation and the nature and operation of legislation on similar subjects in other states or countries. It is only on the basis of such information that the legislator can select intelligently the kind of legislation and the methods of administration necessary to accomplish his purpose. This is but saying that a legislator should have the benefit of the experience of other legislators and other states or countries in the same field.

Just as the Reference Bureau is needed to secure information and the experience of other states as the basis for the intelligent decision by the legislator of the question whether certain legislation is desirable, and if so what kind of legislation will accomplish the desired results, so the expert assistance of trained lawyers is required to formulate the legislative policies thus determined upon in precise and effective statutory language.

The function of a legislative body is to make known the social need for a given rule or law at a given time. It does not necessarily include the phrasing of that law or rule. This is particularly true where the members of the legislative body are elected by popular vote. The ordinary citizen may be depended upon to select a man whose judgment he will rely upon in matters of policy, but it is not to be expected that the ordinary citizen can select a man technically fitted to determine the precise phraseology of the laws which shall govern social relations in the complexity of modern civilization. A vast amount of time and painstaking care is expended by administrative officers, lawyers and courts in the determination of the exact meaning of a statute or of its words or phrases. The purpose of the drafting bureau is to have carefully trained lawyers give attention to these problems before the statute is cast in its final form.

New York now has a Legislative Reference Library, and there is a Drafting Bureau connected with the Assembly. The work of these two agencies, however, is ineffective because they do not work together. The Reference Bureau is in the State Library, and it is seldom made use of by members of the State Legislature or by the draughtsmen employed by the Assembly. The Drafting Bureau is conducted without the benefit of the

experience, information and skill derived from study and use of the materials which ought to be available in a Reference Bureau. Moreover, the existing draughtsmen are under the control of the majority in the Assembly. What is now proposed is this: A Reference Bureau in which information relating to legislative problems will be currently gathered, indexed and rendered available for the use of legislators and their draughtsmen, and co-operating with it a Drafting Bureau in which, on the written request of a certain number of members of the Legislature, bills shall be drafted before introduction or revised during their passage. Both Bureaus should be under a chief appointed by the Governor and protected by the civil service law against the domination of any political party. The purpose is to secure a non-parsan agency equipped to render technical assistance to legislators to the end that laws enacted by them may be based on a more thorough examination of existing fact and law and more precise and effective in their phraseology. That legislators appreciate such assistance is shown by the fact that of a total of 133 members of the Legislature in Wisconsin, 131 made use of the Reference and Drafting Bureau during the 1911 session.

(13) THE COURTS AND THE PEOPLE.

We indorse the declarations of our national platform respecting the judiciary, and favor their embodiment in the organic law of this state.

The selection of judges by amicable understanding between the bosses of both political parties and lawyers of easy partisanship but ardent devotion to corporate interests, we denounce as a fraud and travesty upon the principle of non-partisanship in the choice of judicial officers. To secure real non-partisanship, the nomination and election of judges should be wholly apart from party columns or party designations on the ballot.

We favor the simplification of civil procedure to eliminate the delays and expensiveness of litigation; the reform of criminal procedure to the end that a speedy trial upon the merits shall be assured to the accused and punishment follow swiftly upon conviction.

The plank referred to in the national platform is as follows:

The Courts — The Progressive Party demands such restriction of the power of the courts as shall leave to the people the ultimate authority to determine fundamental questions of social welfare and public policy. To secure this end, it pledges itself to provide:

1. That when an act, passed under the police power of the State, is held unconstitutional under the State constitution, by the Courts, the people, after an ample interval of deliberation, shall have an opportunity to vote on the question whether they desire the act to become law, notwithstanding such decision.

2. That every decision of the highest appellate court of a state declaring an act of the Legislature unconstitutional on the ground of its violation of the federal constitution shall be subject to the same review by the Supreme Court of the United States as is now accorded to decisions sustaining such legislation.

There can be no question that during the last few years there has shown itself in this country a very widespread and deep-seated dissatisfaction with the courts—especially with the action of some of the highest state courts in declaring unconstitutional statutes passed by state legislatures for the regulation of social and industrial conditions. Such

statutes are enacted in the exercise of what is known as *"the police power,"* a "term commonly used to indicate the general 'regulative' powers of government—the power to place 'restraints and burdens' upon persons or private property, in order to secure the 'general welfare.'"* These statutes passed in the exercise of the police power are usually contested in the the courts as violating what is known as *"the due process clause"* of the federal or state constitution—the clause which provides that "no person shall be deprived of life, liberty, or property without due process of law."

This provision has come down to us from the earliest days of English constitutional history. Originally it was merely intended "to prevent the *executive* branch of the government —*i. e.,* the King or his representatives—from coming around and arbitrarily and physically seizing and carrying off, without the authority of a parliamentary act and without notice before any tribunal, a man's physical property." It was gradually interpreted to mean "that a man's life, liberty or property 'should not be taken' except by *procedure* in accordance with the fundamental ideas of fairness and regularity which obtain in Anglo-Saxon jurisdictions, which, of course, involve due notice, an opportunity to be heard, and some regularity of course of action." In this country it has come to be applied much more recently to the action of the *legislative* branch of government—to *laws* the effect of which is to deprive a man of his "life, liberty or property" otherwise than by such procedure as above outlined. Still more recently the further requirement has been included, "that 'property' shall not be taken by any legislative act which violates *fundamental ideas of morality and justice,* keeping in mind the paramount public interests which may be involved."

Obviously this "due process clause" differs from such *specific* clauses in our constitutions as that in the New York Constitution, for example, which provides that no city shall borrow money in excess of 10 per cent. of the total assessed valuation of its real property, or that which forbids the legislature to pass any private or local bill changing the names of persons. Clauses of this sort have a definite, exact meaning—a meaning which remains the same from one generation to another. The "due process clause" on the other hand, has no definite and exact meaning *in itself,* but must be interpreted *in the light of current standards of justice and fairness,* both as regards the purpose of any legislative act and the methods which it provides for accomplishing that purpose. In other words, both our conception of "the police power" and our conception of that "due process" which the exercise of "the police power" must not violate, vary from age to age with changing social and economic conditions.

This fact has been fully and repeatedly recognized by the Supreme Court of the United States and by the highest courts of *some* of the states. Thus, for example, Chief Justice Winslow of Wisconsin, in upholding as constitutional a workmen's compensation act similar to that which the New York Court of Appeals held unconstitutional, said: "Where there is no express command or prohibition, but only general language or policy to be considered, the conditions prevailing at the time of its adoption must have their due weight; but *the changed social, economic and governmental conditions of the time, as well as the problems which such changes have produced, must also logically enter into the consideration and become instrumental factors in the settlement of problems of construction and interpretation."* (Borgnis vs. the Falk Co., 147 Wis. 327.) An even more striking statement is that given by Justice Holmes in delivering the opinion of the Supreme Court of the United States in the recent case of Noble State Bank vs. Haskell (219 U. S. 104): "The police power extends to all the great public needs. It may be put forth in aid of what is sanctioned by usage, *or held by the prevailing morality or the strong and preponderant opinion to be greatly*

*This quotation, and all the following quotations on this subject for which no references are given, are taken from the recent book by William L. Ransom, "Majority Rule and the Judiciary."

and immediately necessary to the public welfare."

Many of the state courts, however, refuse to apply these enlightened standards of interpretation in construing "the police power" and the "due process clause." The New York Court of Appeals, for example, in the case in which it held unconstitutional the workman's compensation act (Ives vs. South Buffalo Railway Co., 201 N. Y. 271), said: "Every man's right to life, liberty and property is to be disposed of in accordance with *those ancient and fundamental principles which were in existence when our constitutions were adopted.* . . . As to the cases of Noble State Bank vs. Haskell and Assaria State Bank vs. Dolley, we have only to say that if they go so far as to hold that any law, whatever its effect, may be upheld because by the 'prevailing morality' or the 'strong and preponderant opinion' it is deemed 'to be greatly and immediately necessary to the public welfare,' we cannot recognize them as controlling of our own construction of our own constitution."

"Here then," as Mr. Ransom says, "is the issue, and largely also the cause of the present agitation very plainly revealed. On the one hand is the narrow view of some state courts that the scope of the 'police power' is a mere question of *law*, to be determined by purely legal precedents that antedate both our constitutions and our courts. Under this view it is inevitable that present-day efforts for the relief of present-day needs should be continually harassed and held back by the curbing hands of eighteenth-century standards and eighteenth-century political and social philosophy. On the other hand is the enlightened view of the great tribunal at Washington that, when no explicit constitutional provision is contravened, the ultimate standard of what a state *may* do is its citizens' mature conclusion as to what they *ought* to do, and that the question of the scope of a state's regulative power, so far as any but the 'specific' constitutional curbs thereon, is a broad question of *policy and fact*, under the *particular conditions* disclosed, the determining factor to be 'the prevailing morality' and the 'strong and preponderant opinion' of the people as to what should be done."

This difference of opinion between the federal supreme court and the highest courts of many of the states is not a mere academic question. It results constantly in the nullification by state courts of laws designed to promote the general welfare by regulating the conditions of industry in accordance with modern economic development and modern notions of social justice. Mr. Roosevelt, in his introduction to Mr. Ransom's book, "Majority Rule and the Judiciary," cites a number of recent cases where such acts have been thrown out by the New York Court of Appeals. What is even more important, for every statute actually declared unstitutional numbers of social and industrial reforms which have been tried successfully in other countries, and which would be tried here but for the attitude of some of our courts, are necessarily abandoned, or else so altered to fit previous judicial construction of the constitution as to be relatively ineffectual. The first question which must now be asked with regard to any proposed reform is not—"Is it wise and expedient? Has it accomplished elsewhere the result at which we are aiming?"—but—"Is it constitutional? Does it fit into the complicated and artificial structure of legal technicalities which some of our courts have reared, by interpretation, upon the basis of general eighteenth-century notions of justice?" This state of affairs cannot be allowed to continue. The people are rapidly making up their minds to put an end to it. The practical question in the present campaign is, "By what method can it be put an end to most quickly and effectively?"

The Progressive Party has put forward a specific proposal. The Republican and Democratic parties have contented themselves with criticizing this proposal without suggesting any alternative remedy for the evil above described. Indeed, they virtually deny the existence of this evil and maintain that no change in the relation of our state courts to social and industrial reform legislation is required. The only practical

hope, therefore, of accomplishing any speedy improvement is bound up with the proposal of the Progressive Party, which has come to be known, somewhat inaccurately, as the "recall of judicial decisions."

What this proposal actually means is clearly stated by Mr. Roosevelt as follows: "If in any case the legislature has passed a law under the 'police power' for the purpose of promoting social and industrial justice, and the courts declare it in conflict with the 'due process' clause of the state constitution as laid down by the people, then I propose that after a period of due deliberation, a period which could not be less than two years after the election of the legislature which passed the original law, the people shall themselves have the right to declare whether or not the proposed law is to be treated as constitutional. It is a matter of mere terminology whether this is called a method of 'construing' or 'applying' the constitution, or a 'quicker method of getting the constitution amended.' It is certainly far superior to the ordinary method of getting the constitution amended, because it is quick, definite and certain. It will apply merely to the act at issue, and therefore will be definite and clear in its action; whereas actual experience with, for instance, the Fourteenth Amendment to the National Constitution has shown us that an amendment passed by the people with one purpose may be given by the courts a construction which makes it apply to wholly different purposes and in a wholly different manner. The Fourteenth Amendment has been construed by the courts to apply to a multitude of cases to which it is positive that the people who passed the amendment had not the remotest idea of applying it.

"Some of our opponents say that under my proposal there would be conflicting interpretations by the people of the constitution. In the first place, this is mere guess-work on the part of our opponents. In the next place, the people could not decide in more conflicting fashion, could not possibly make their decisions conflict with one another to a greater degree, than has actually been the case with the courts."

A further reason why the method proposed by Mr. Roosevelt and recommended in the platform of the Progressive Party is a more suitable and effective remedy than the process of constitutional amendment for dealing with the class of cases of which we have been speaking is the peculiar character of the "due process" clause. This clause, as we have seen, has no specific meaning apart from current conceptions of justice and fairness. "Therefore, when a court has, under the shelter of this non-explicit clause, ruled that a given act contravenes *its* conceptions of the prevailing moral standards as to what the state may properly do in the premises, the need is not for any *repeal* or *amendment* of the *'due* process' clause as a means of correcting the court's misconception. . .

All that is requisite under a proper method of procedure would be a concrete and paramount expression of the 'preponderant opinion' of the community, that the act in question *does not* violate fundamental and prevailing ideas as to what is 'immediately and greatly necessary for the public welfare.'" Moreover, experience has shown that, while it is not too difficult to secure amendments to a state constitution where *explicit* provisions stand in the way of some popularly desired reform, where the obstacle to such a reform is the vague and *non-explicit* language of the "due process" clause constitutional amendments are, *as an actual fact*, almost never secured. The opponents of the Progressive Party's proposal, therefore, are really opposing the only *feasible* method of setting aside reactionary decisions of the courts and making the will of the community finally prevail. They are, to all intents and purposes seeking to make us accept such decisions, in most cases, as final. This no living and growing state can ever do. It can never allow the ultimate definition of its own powers—especially the fundamental question of policy involved in determining the scope of the "police power"—to be unalterably settled for it by any bench of judges, however wise. The *practical* alternative at the present time is the adoption of the remedy above described.

In conclusion it should be noted with regard to this proposal—in order that any possible misunderstanding may be avoided—(1) that it does not apply to decisions rendered by the Supreme Court of the United States, but only to those of the highest state courts; (2) that it would in no way weaken or impair the guarantees of the *federal* constitution—particularly the clause in the Fourteenth Amendment which provides that *"no state* shall . . . deprive any person of life, liberty or property without due process of law"—as interpreted by the federal supreme court; (3) that it does not apply to any *explicit* clause in any constitution; (4) that it has nothing to do with the recall of judges; and (5) that it would in no way affect the decision or judgment as between the parties in any particular suit, but only the *subsequent* interpretation of the "due process" clause.

The second paragraph of the plank above quoted from the national platform of the Progressive Party requires little comment. At present, under the provisions of the federal judiciary act passed soon after our government was established, while a decision of the highest court of any state *upholding* an act of the state legislature as *not* in conflict with the federal constitution is reviewable by the federal supreme court, the decision of such a state court declaring such a statute *unconstitutional* as in conflict with the federal constitution is *not* reviewable by the federal supreme court. At the time the judiciary act was passed it was supposed that the courts would naturally be friendly toward the acts of their own legislatures and unfriendly toward the federal constitution, that therefore they would tend to uphold all state statutes as against the federal constitution, and that if such a statute was clearly enough in violation of the federal constitution to receive their disapproval, there would be no need of review by any federal tribunal. This supposition, however true it may have been at that time, is no longer in accordance with the facts. The highest courts of the several states have no more hesitation about throwing out state statutes as in violation of the federal constitution than they have about throwing out such statutes as in violation of their own state constitutions. In fact, they have shown themselves even more ready than the federal supreme court to place around private property the safeguards of the Fourteenth Amendment. Under these circumstances it is obviously right that the federal supreme court should be given the same power to review the decisions of the highest state courts—the same power to enforce *its own interpretation* of the federal constitution—in cases where the state courts have decided *against* the constitutionality of a state law under the federal constitution as in cases where they have decided *in favor* of its constitutionality.

Our state courts have shown such an ultra-conservative tendency as compared with the federal courts, especially with respect to the regulation of public utilities and the restriction of the police power where it conflicts with private property rights, that every precaution should be taken to see that the nomination and election of judges are placed upon as broad a foundation as possible. The recent practice has been, when two judges are to be elected, for the Republican and Democratic conventions each to name one candidate, and then for both these nominees to be placed on both tickets, thus securing the election of both. Such a scheme, falsely called non-partisanship, by making sure the election of both men, inevitably results in the nomination by the two party machines of men who would not be chosen by a free convention or by direct nominations. The denunciation by the Progressive Party, in the above plank, of this scheme prevented the consummation this year of a plan to place in the Court of Appeals, by vote of the Republican and Democratic parties, a lawyer noted only as attorney for a great railroad which constantly has important questions before that court. The choice of nominees for the highest court of the state has too long been in the hands of political bosses and lawyers of corporation practice, whose only apparent public work is in steering bar associations and judicial nominations. It should be placed, by appropriate legislation, in

the hands of the voters themselves, and irrespective of party distinctions.

The State of Washington has pointed a way to secure a *real* non-partisan judiciary under a system of direct nominations and a separate non-partisan judiciary ballot at the general election. Under this system at the primary election a separate ballot is used for the judiciary, and any elector, whether enrolled as a member of a party or not, may vote it. On this ballot appear, without any party designations whatever, the names of all candidates for judicial offices who have filed their names according to law. If any candidate receives a majority of all votes cast at the primary he will have his name placed on the separate judiciary ballot at the general election without any opposing candidate. Otherwise, the candidates, equal to twice the number of judgeships to be filled, who received the highest votes at the primary will have their names placed on the judiciary ballot at the general election, so that the people can make their choice by majority vote. The separate judiciary ballot at the general election is of the office-group form and without party designations of any sort. Under this system judicial candidates stand squarely upon their individual records and qualifications and are not beholden to any boss or to any committee of corporation lawyers for their nominations. The judiciary is brought close to the people who have an opportunity to show their respect for it after they have made it independent.

Similar plans providing for a separate non-partisan judiciary ballot are in force in North Dakota and Ohio. In California and Wisconsin the names of candidates for judicial offices are placed in a section by themselves on the general ballot, grouped under the titles of the offices for which they are running and without party designations of any sort. Some such plan should be adopted in New York.

(14) CORPORATION CONTROL.

We pledge our support to the Public Service Commission Law. The highest standards applicable to appointments to a court of justice should apply to the Public Service Commissions. Appointments thereto should not be used as political rewards or partisan prizes.

The Public Service Commissions were created upon the recommendation of Governor Hughes, to regulate railroad, street railroad, gas and electric companies. It was believed by the framers of the law that the Commissions had been given adequate power to regulate the service and equipment, rates and capitalization of such public service corporations.

While the bill was under discussion before the Legislature, one of the points upon which especial emphasis was laid was that the commissionerships, because of their quasi-judicial functions, should be deemed removed from politics. Governor Hughes acted upon this principle in his appointments and his practice should be continued. The duties imposed upon the Commissioners are such that if appointments are made for political reasons the determinations of the Commissions will soon be based, not on the facts as they exist, but upon contributions or political favors granted by those interested in corporations.

We favor the enactment of legislation to the following ends:

(1) The burden of establishing the reasonableness of its rates or service shall rest upon the corporation under investigation.

This is the holding of the Supreme Court of the United States in the eighty-cent gas case. The state courts of New York have, however, shown a tendency not to follow the Federal Supreme Court and it therefore becomes important that this requirement should be placed in the statute.

(2) The commissions shall have power to suspend announced increases of rates, fares or charges, pending investigation of the reasonableness or propriety thereof.

This power was granted by Congress to the Interstate Commerce Commission last year and its wisdom was shown when the railroads undertook to increase the freight rates over a large part of the country. The Commission promptly suspended the rates pending investigation and finally disapproved them. Had this provision not been in the law the increased rates would have gone into effect and could then have been reduced only after complaint and protracted proceedings as to each rate. As this power has proved its value with the Interstate Commerce Commission over interstate rates, it should now be given to the Public Service Commission with respect to intra-state rates in New York.

(3) The power of review of New York courts over determinations of public service commissions shall be limited to questions of law.

This point was particularly emphasized when the bill was before the Legislature. The corporations wanted a court review. The advocates of the law opposed such a provision, believing that it would be used solely as a method of delaying or nullifying orders that the Commissions deemed important. The Legislature decided that it didn't want court review. The corporations have nevertheless secured it. How? By rulings of the courts which have interpreted the language of the law and their own previous holdings into a more complete court review than asked for by the corporations in 1907.

The Court of Appeals, upon an order of the New York City Commission directing transfers at Fifty-ninth Street, held that the proceedings of the Commission were reviewable by the courts in certiorari proceedings. The effect of this may be understood from the fact that a subsequent order for transfers in New York City, made in 1910, is still pending on review in the courts. The Supreme Court has now further held that an order of the Commission will not be enforced by mandamus when a review by certiorari is pending; in other words, an order of the Commissions is not effective until it has been reviewed by the courts. This is the exact result desired by the corporations in 1907 and against which the Legislature decided.

The law should be restored to the meaning it was believed to have before the interpretations of the courts emasculated it. There should be a specific enactment of a provision that a determination of a Commission should be reviewable only as to questions of law. The wisdom of this, and even its sufficiency from the point of view of the companies, may be understood from the fact that as to the Interstate Commerce Commission the corporations have no right to review by certiorari but are confined to testing merely questions of law.

(4) The jurisdiction of the commissions over express companies should include baggage and transfer companies.

The law now gives jurisdiction to the Commissions over only such express companies as are operated in connection with a railroad. This does not include the transfer and so-called express companies which in our large cities undertake to perform what is in effect a public service. They should accordingly be brought under regulation in order that their rates and methods of business may be under supervision.

(5) The abolition of grade crossings.

The safety of pedestrian and vehicular traffic is so important that all grade crossings of railroads and highways should be eliminated. The State has adopted a very liberal attitude towards the railroads by providing that the cost of such elimination shall be paid twenty-five per cent. by the State, twenty-five per cent. by the city and fifty per cent. by the company. Liberal appropriations by the State are essential to the steady progress that should be made.

The Legislature of 1912, in response to the request of the two Public Service Commissions for $1,600,000 appropriated $250,000 for each Commission. These two items were vetoed by Governor Dix, who found no difficulty in approving $250,000 for the San Francisco Exposition and $250,000 in payment of mineral claims in Dutchess and Putnam counties arising out of the forfeiture of

lands by loyalists in the Revolutionary War. In the meantime, there are over four hundred grade crossings in New York City at which from twenty to thirty persons are killed every year.

(6) The carrying out in the State of the pledge in the National Platform for the protection of investors in corporate securities.

"The people of the United States are swindled out of many millions of dollars every year, through worthless investments. The plain people, the wage-earner and the men and women with small savings, have no way of knowing the merit of concerns sending out highly colored prospectuses offering stock for sale, prospectuses that make big returns seem certain and fortunes easily within grasp.

"We hold it to be the duty of the government to protect its people from this kind of piracy. We, therefore, demand wise, carefully thought out legislation that will give us such governmental supervision over this matter as will furnish to the people of the United States this much-needed protection, and we pledge ourselves thereto." (National platform of the Progressive Party.)

(7) The repeal or definite forfeiture of unused or abandoned franchises, and recovery of control of the unlimited, perpetual, or practically perpetual franchises heretofore alienated by improvident public servants.

In New York the courts hold that a franchise to occupy the streets unless definitely limited as to time amounts to a perpetual easement or property right. This means literally that, to the extent of these easements, the public service corporations "own the streets." The condition resulting from the lavish grant of such rights in the past is intolerable for the future. A perpetual franchise in a public street is a perpetual obstacle to effective public regulation and the full control of the streets, without which government cannot adequately perform its functions. The salutary rule of law, that every special franchise grant must be construed strictly in favor of the public, has been known in New York more by its breach than by its observance. This rule must be strictly enforced. Not only must future franchise grants be so guarded as not to constitute "special privileges," but the perpetual or practically perpetual rights already alienated must be recovered to the end that the streets and highways of the state may be under the undivided ownership and control of the people. It is not proposed to disturb legitimate investments in public service plants and equipment, but only to make effective the public regulation and control that is essential both for the adequate protection of the patrons of public utilities and also for the safeguarding of the investors in public utilities. Perpetual franchises have encouraged speculation, the exploitation of stockholders and inefficient management. With a short-time or indeterminate franchise, with provision for the retirement of the investment out of earnings during the period of the franchises, or for the payment to the company of the value of the physical property when the franchise is terminated, public control of public utilities can be made effective, while at the same time the private investor is given infinitely better protection than under the old regime, where the very perpetuity of the private franchise right precluded the public from giving such guarantees of safety as naturally attach to public investments. By means of legislation, litigation, taxation, negotiation and all other available weapons to enforce the legitimate rights of the public and to restore the people to the possession of full control of the streets and highways of the state, public service investments in New York may be redeemed from the scandalous uncertainties that follow in the wake of perpetual franchises and the constant conflict between the greed of those who manipulate special privileges and the need of the people whom they forget to serve. It is only by the complete recovery of control over public service franchises that the state can effectively establish the obligation of public service corporations to extend their services from time to time to meet the legitimate needs of the communities which they serve. Every public utility depending on a special franchise partakes of the nature of a monopoly, and it is one of the ob-

vious obligations of a monopoly, hitherto unrecognized or very imperfectly recognized in the laws of this state, that a monopoly should be required to render complete and adequate service for the territory covered by its franchise.

(8) A revision of the standard fire insurance policy to secure to the assured prompt and fair payment of losses.

The standard form of fire policy demands immediate revision. It was adopted in 1886 at a time when insurance legislation was notoriously corrupt and purchasable and its provisions have remained substantially the same ever since. The facts developed before the Senate in the trial of Allds and the insurance investigation conducted by Governor Hughes showed how insurance legislation was obtained. Despite these facts, the most iniquitous contract forced on the public by legislative sanction obtained in this manner and undoubtedly drawn by attorneys employed by the company remains in force. By availing themselves of its terms the insurance companies have the power to indefinitely delay the payment of a loss, not merely by taking dilatory appeals but even by depriving the assured of any standing in a court of first instance for a considerable period.

This refers especially to the so-called arbitration clause. Upon the expiration of sixty days the company may appoint an appraiser. No time is fixed for agreement as to an arbitrator. If the appraiser for the assured does not accept the arbitrator submitted by the insurance company the policy prescribes no other method. Such negotiation may be delayed indefinitely and if the assured does finally accept the arbitrator designated by the company, the appraisal may easily be delayed and the assured has no standing in court even under such appraisal until sixty days after the award. If the assured, becoming impatient at the delay, ignores the appraisal clause and sues, he is met by the provision that such arbitration is a condition precedent to suit. He therefore has the alternative of accepting the arbitrator appointed by the insurance company or the acceptance of such amountt as the company's adjuster offers.

It is no answer to state that these technicalities are only availed of where the company feels that the loss is crooked. If the claim is fraudulent or unjust it should be defended on those grounds and a hearing promptly had.

Persons paying premiums for insurance should have rights and not favor dependent upon the good will of the insurance company or its adjustors. These clauses are used with special disadvantage to the small merchant or manufacturer who cannot bear the burden of the delay. He must settle speedily upon the terms offered by the insurance company or face the alternative of bankruptcy. As in all cases where justice must be obtained as a matter of favor and not of right, the opportunity for graft is apparent.

The courts are powerless under the provisions of this policy to aid the assured. In one case the company went to the Court of Appeals, objected to payment upon the ground that the policy required a certificate as to the loss from a notary public living nearest to the place of the fire and that by actual measurement a notary other than the one who certified lived several yards nearer!

The policy should be so revised that the assured is not required to accept as the arbitrator of his loss a person designated by the insurance company or delay, litigation and possible bankruptcy as an alternative.

Other clauses tending to harass, delay and unjustly deprive the assured of the benefits of insurance might be pointed out, but it is sufficient to say that the standard form of policy, obtaining legislative sanction at a time when insurance legislation was notoriously corrupt, should not be permitted to remain in force after such corruption has been exposed and when the spirit of the times is against technical delays in obtaining justice.

(15) FARM AND COUNTRY LIFE.

We advocate State or National legislation as follows:

The Progressive movement in American affairs has been closely identified with agriculture. Indeed, it might truly be said that in the country as a whole, the Progressive movement has stood first and foremost for the betterment of the conditions of country life. In great states like Wisconsin, Kansas, Nebraska and California, the things which the Progressive movement has enabled government to do in aid of agriculture and in aid of the men and women, boys and girls, who live on the farms and in the villages, have been the keystone of the movement which has culminated in the Progressive party of to-day. In States like New York, the State Agricultural College and some of the bureaus of the State Department of Agriculture, there has been an excellent beginning; but the Progressive Party seeks to vitalize, support and extend all these instrumentalities, until the farmers of New York have that active and welcome assistance which the farmers receive from the State in the Progressive commonwealths of the West and Middle West. In taking this position, the Progressive Party recognizes the essential unity of economic and social interest between the farmer and the city dweller. The scientific development of the agricultural resources of New York State and the greatest possible attractiveness of life in the agricultural districts of New York State is of fundamental importance to the residents of the cities.

(1) The repeal of the so-called Canadian Reciprocity Act.

In general, the proposals of the Progressive Party as to matters involving exclusively National rather than State action, are not set out in this State platform. As to three or four matters, however, they are deemed to be of such especial importance to this State that they are made the subject of a pledge of the attitude of the party representatives from this State. The repeal of the Canadian Reciprocity Act, so-called, is in this category, from the viewpoint of the farmers of the State. Without regard to the merits of reciprocity as a means of obtaining tariff concessions from other governments, it is beyond peradventure true that the treaty with Canada was not framed with any such purpose, and was designed only as an act of reprisal by an angry administration against the farmers of the northern tier of States, who were deemed by the highly "protected" interests of Pennsylvania to have become too favorable to the reduction of the tariff to a sound and scientific basis. Under these circumstances, the Progressive Party favors the repeal of the act.

(2) An agricultural survey of the State, so that in each locality there may be available to each farmer adequate data as to soils, farm management, seed supply, market facilities, transportation methods, crop prospects, and the like.

This plank speaks for and explains itself. The valuable results which are secured by making information of this character generally available have been illustrated in New York and demonstrated in other states. The activities of government could be employed to no better purpose than to make this kind of assistance available to every farmer on his own farm. It is unnecessary to explain that by "agricultural survey" is not meant a civil engineer's survey, but a comprehensive and scientific taking of stock, by the farmers themselves, or their representatives, of the agricultural resources and possibilities of the state and the expert furnishing of the other items of information above indicated.

(3) State supervision of commission merchants and brokers, to prevent loss to shippers through insolvency or fraud.

The enormous growth of the commission system, particularly in the shipment of agricultural products to the City of New York, make this plank of vital importance to the farmers of the State. The relation of the commission merchant to the

farmer upstate has become akin to a banking or credit system, and the state should furnish the supervision necessary to prevent the system from being used as an instrument of fraud and loss. The price of products ought not to be swelled by the discounting of large risks and uncollectable accounts.

The licensing and bonding of the commission dealers has been proposed and the matter has been before the legislature several times, but the commission men have always been able to control the situation. There is absolutely no protection to the farmer who consigns any goods to New York City.

(4) A system of agricultural credit for drainage and land improvement.

(5) Such change in statute and fundamental law as will permit drainage of farm lands by means of compulsory process against the owners of contiguous lands.

The hands of the farmers should be strengthened in their efforts to improve agricultural conditions in this State. It is intolerable that having the desire to do so, the farm owner may find himself wholly unable to make each portion of his land productive. Much of the possible value of his holdings may be realized only through creating a system of drainage. Under the present condition of the State's laws, and the decisions of the courts upon them, there is no existing method whereby a farmer can secure the drainage of his land, or the re-claiming of marsh or wet lands, unless either (1) he may reach a public highway under such conditions of grade that his drains or ditches shall properly connect with the ditches or water courses along the highway, or (2) the owners of contiguous lands, through which his ditches must be run to reach a natural water course, consent to his constructing them. At various times in the history of the State, the legislature has sought to aid the farmer by making the consent of the contiguous owners unnecessary, and allowing compulsory process upon payment of just compensation for the damage caused by the ditches; but the courts have always nullified these legislative attempts, holding such drainage law unconstitutional, because it permitted the compulsory taking of property for a private purpose. The courts have conceded the public benefit resulting from the re-claiming of lands theretofore waste, but have declined to uphold the law on the theory that it promotes the public welfare. (See 72 N. Y., 1; 163 N. Y., 133.) It is probable, therefore, that relief to farmers must be obtained through the medium of an amendment to the Constitution, which shall declare that the drainage of private lands for their improvement constitutes a public use for which other land may be taken upon payment of just compensation. This amendment the Progressive Party pledges itself to secure.

(6) The rapid extension of the Parcels Post Service.

A noted authority on farm management in this State says that "one of the most important things that the government can do for the aid of the farmer at the present time is to establish a real parcels post that will do the work that the express companies now do. Essentially this would be to take over all the business of the express companies and extend this business." A law which limits packages to eleven or twelve pounds in weight is not sufficient. "One of the most important things both for the farmer and for the consumer is to have a means of getting cases of eggs carried from farms to the city before these eggs are rotten. Millions of dollars worth of eggs are lowered in price for the simple reason that during the season of the year when the hens lay the most eggs, the farmer is busiest and cannot afford to take time to go to market with a few eggs. Furthermore, he needs to have farm machine parts for repairs and many other articles delivered to the farm and carried from one farm to another, and these articles are not accommodating enough to weigh just twelve pounds. With all of our machinery for rural mail distribution, I believe that we can add on this other business and turn the deficit from rural delivery into a profit. * * * The express problem is merely one of the many difficulties in the way of getting farm

products to the consumer without too great cost."

(7) An active state policy of road building and road maintenance. We denounce the fraud, extravagance, waste and favoritism in road construction under the present Democratic administration.

The people want to help the farmer by giving him good roads for the rapid transportation of his products to points of shipment. This is good business economy both for the farmer and for the people of the entire state who are consumers of farm products. "Market roads" and not pleasure boulevards and fancy roads are what the farmer and the people want. Governor Hughes' Highway Commission set up safeguards against fraud and trickery, operated along non-partisan lines, and attempted to meet this need fairly. The Hughes Commission was legislated out of office at the instigation of Governor Dix, who has since signed twenty-four "expedited road" bills which took nearly fourteen millions out of the road construction fund and have deprived the counties of more than 1,200 miles of market roads which they otherwise might have had. Seven years ago, the people voted $50,000,000 to be used in the construction of a comprehensive system of state roads which would total nearly 12,000 miles. The money has been spent and all there is to show for it is a little over 4,000 miles of more or less improved highways. The people will vote at the next election on a referendum authorizing another fifty millions to be spent on state highways. If a majority votes yes, how will this money be spent? We know how Mr. Murphy and his candidates would spend it. Governor Straus will see that it is spent in the real interest of the farmer and that everything is done to make good roads contribute to increased profits and business for the farmer and lower the cost of farm products to the consumer.

(16) SOCIAL AND INDUSTRIAL JUSTICE.

Our National Platform embodies the following program of social and industrial justice, to which we pledge our unceasing efforts:

In his Confession of Faith before the National Progressive Convention in Chicago, Theodore Roosevelt challenged the

> "attention of the people to the need of dealing in far-reaching fashion with our human resources, and therefore our labor power."

The planks on social justice adopted by the National Convention are the most comprehensive program of industrial statesmanship ever put forward by a political party in America. They are reaffirmed by the National Progressive Party of New York, plank by plank, with the full knowledge that responsibility for carrying them out rests more fully on the state than on the federal authority. These planks recognize the fact that a growing nation outgrows old laws and practices just as a husky boy outgrows his shoes, and that the mighty industrial changes of the last fifty years call for corresponding changes in law and government.

As Roosevelt has well said:

> "The first charge on the industrial statesmanship of the day is to prevent human waste. The dead weight of orphanage and depleted craftsmanship, of crippled workers and workers suffering from trade diseases, of casual labor, of insecure old age, and of household depletion due to industrial conditions are, like our depleted soils, our gashed mountain-sides and flooded river bottoms, so many strains upon the National structure, draining the reserve strength of all industries and showing beyond all peradventure the public element and public concern in industrial health.

We hold that under no industrial order, in no commonwealth, in no trade, and in no establishment should industry be carried on under conditions inimical to the social welfare. The abnormal, ruthless, spendthrift industrial establishment tends to drag down all to the level of the least considerate.

Here the sovereign responsibility of the people as a whole should be placed beyond all quibble and dispute."

The planks which the Progressive Party pledges itself to work for in state and nation are not a hodge-podge of catch-penny proposals. Singly and collectively, they would establish the principle of *Industrial Minimums,* which is gaining recognition throughout the civilized world. In so doing they follow the recommendations of a committee of the National Conference of Charities and Correction. This committee, which met for the first time in 1912 under the presidency of Jane Addams, worked for three years in formulating them, in co-operation with representatives of the principal national organizations dealing with the social welfare. Their recommendations were based on the recognition of three important public needs, as follows:

1. That the public should have the right to complete knowledge of the facts of working conditions.

2. That with these facts, and with the modern discoveries in science, hygiene and engineering, the public should cause to be formulated those minimum occupational standards below which work can only be carried on at a human deficit.

3. That all industrial conditions which fall below such standards should come within the scope of governmental action and control in the same way that subnormal sanitary conditions are subject to public regulation and for the same reason—because they threaten the public welfare.

The *Principle of Industrial Minimums* thus set forth was applied by Roosevelt to actual labor conditions in a way that showed the unity which underlies the Progressive platform. He said:

"We stand for the living wage. Wages are subnormal if they fail to provide a living for those who devote their time and energy to industrial occupations. The monetary equivalent of a living wage varies according to local conditions, but must include enough to secure the elements of a normal standard of living—a standard high enough to make morality possible, to provide for education and recreation, to care for immature members of the family, to maintain the family during periods of sickness, and to permit of reasonable saving for old age.

Hours are excessive if they fail to afford the worker sufficient time to recuperate and return to his work thoroughly refreshed. We hold that the night labor of women and children is abnormal and should be prohibited; we hold that the employment of women over forty-eight hours per week is abnormal and should be prohibited. We hold that the seven-day working week is abnormal, and we hold that one day of rest in seven should be provided by law. We hold that the continuous industries, operating twenty-four hours out of twenty-four, are abnormal, and where because of public necessity or of technical reasons (such as molten metal), the twenty-four hours must be divided into two shifts of twelve hours or three shifts of eight, they should by law be divided into three of eight.

Safety conditions are abnormal when, through unguarded machinery, poisons, electrical voltage, or otherwise, the workers are subjected to unnecessary hazards of life and limb; and all such occupations should come under governmental regulation and control.

Home life is abnormal when tenement manufacture is carried on in the household. It is a serious menace to health, edu-

cation, and childhood, and should therefore be entirely prohibited. Temporary construction camps are abnormal homes and should be subjected to governmental sanitary regulation.

The premature employment of children is abnormal and should be prohibited.

It is abnormal for any industry to throw back upon the community the human wreckage due to its wear and tear, and the hazards of sickness, accident, invalidism, involuntary unemployment and old age should be provided for through insurance.

This should be made a charge in whole or in part upon the industries—the employer, the employee, and perhaps the people at large, to contribute severally in some degree. *Wherever such standards are not met by given establishments, or by given industries, and unprovided for by a legislature, or are balked by unenlightened courts, the workers are in jeopardy, the progressive employer is penalized, and the community pays a heavy cost in lessened efficiency and misery."*

(1) Effective legislation to prevent industrial accidents, occupational diseases, overwork and involuntary unemployment.

During the three years 1907, 1908, and 1909, the number of fatal industrial accidents reported to the Labor Department was 853; the number of accidents resulting in serious or permanent disability, 11,923; and the number resulting in temporary injury 37,937; a total of 50,713. Not all accidents are so reported. It has been creditably estimated that twice as many persons are killed each year in the industrial establishments as were killed in the Spanish-American War. The death certificates filed in the State Health Department show 6,709 deaths in 1909 from accidents due to all causes. The proportion of deaths due to accidents and other forms of violence is increasing. In the decade ending 1894 it was four per cent. of the total deaths; in the decade ending 1904, five and one-half per cent.; in 1905 six per cent.; in 1910 six and one-half per cent.

(Says the Employers' Liability Commission of N. Y. State in 1910:)

"The basic fact which has impressed this commission in its investigation, is the astounding number of workers who are injured each year in the industries of the State and country. A study of the official accident statistics of this State (contained in the reports of the Commissioner of Labor) shows beyond peradventure that the hazardous employments of the State annually exact their toll of life and limb of the workers, with astounding certainty—that the construction of iron and steel bridges and buildings has a definite cost in the lives of the workers, that each crane or derrick will, once in so many thousand operations, crush and mangle a worker; that there is a mathematical ratio of industrial accidents in the hazardous trades, depending on the speed at which industry moves and the number of workmen, as remorseless and as certain as the death rate on which the tables of life insurance are based."

The State Factory Investigating Commission of 1911, says of occupational diseases:

"Doubtless we in America often think that we are not afflicted with the deadly diseases which are found in Europe. We are often tempted to congratulate ourselves that conditions here are not like those abroad, that our workers are stronger, healthier and more intelligent, that our standard of living is higher and hence our resistance to disease is greater. Statements like these are often made in connection with industrial diseases. The small number of cases of lead poisoning is attributed to better conditions in the lead industries of this country and to a stronger, healthier, labor supply. It may be that this is true * * * but recent investigations throw some doubt upon such conclusions. During the years 1908, 1909 and 1910 the Illinois Commission on Occupational Diseases discovered 578 cases and 6 suspected cases, of lead poisoning in

that state alone. * * * During 1911, the very cursory investigation which I have been making reveals 121 cases in New York City alone. A total of 376 cases were found, mainly in 1909, 1910 and 1911. This number includes only cases which were relatively serious, consisting largely of hospital cases. The vast number of dispensary cases and persons treated by private physicians is not included."

The Employers Liability Commission's Report in 1911, on unemployment says:

"The records of charitable societies show that from 25 to 30 per cent. of those who apply for relief every year have been brought to their destitute condition through lack of work.

Private employment offices can find work on the average but for one out of four of those who apply to them.

For every position secured by philanthropic employment bureaus there are about six applications.

The Census of 1900 found 25 per cent. of those engaged in manufacturing and mechanical pursuits in New York State unemployed at some time during the year; over one-half of these were unemployed from one to three months, 37½ per cent. from three to six months.

Reports of trade union secretaries to the New York State Department of Labor for the years 1902 to 1909 inclusive, show that in ordinary years of business activity about 5 per cent. of their members are unemployed in the winter. During years of depression, the number unemployed rises to from 15 per cent. to 35 per cent.

Finally, our own inquiry among employers and labor organizations confirms this evidence. Of the 179 trade union secretaries who replied to our question, "Are there at all times of year some of your members out of work?" ninety-five, or 53 per cent., replied "yes." Only 8 per cent. reported that their members lost no time in consequence of unemployment, while 25 per cent. replied that on the average their members lost three months or more."

New York has only scratched the surface of these fundamental industrial problems of trade injury, trade diseases and involuntary unemployment.

(2) The prohibition of Child Labor.

The U. S. Census Bulletin No. 69 (Washington, 1907) on child labor in the United States, shows one million seven hundred and fifty thousand one hundred and seventy-eight bread winners ten to fifteen years of age in continental United States in 1900; 8.1 per cent. of these, or 143,105, were only ten years of age, and no account was taken by the census of large numbers of children under ten who were compelled to contribute to their own support or that of their families. The total number under 14 years of age was 790,623. Of those ten to thirteen years of age employed in other than agricultural pursuits we not the following:

	Males	Females	Total
Glass workers.	1,340	93	1,433
Messengers, errand boys and girls....	2,969	857	9,826
Miners and quarrymen .	8,961	39	9,000
Textile mill operatives* .	12,547	14,237	26,774
Textile workers, including dressmakers, milliners, seamstresses, etc.	733	3,967	4,700
Tobacco and cigar factory operatives ..	1,464	1,164	2,628
Servants, waitresses and waiters	9,599	39,852	49,461
Laborers (not specified) ..	40,616	8,810	49,426
Miscellaneous occupations.	26,016	7,094	33,110
Total 110,245		76,113	186,358

* Of textile operatives, there were in cotton mills, males, 9,298; females, 9,628; total, 18,926.

One hundred and eighty-six thousand three hundred and fifty-eight child bread winners 10 to 13 years of age, exclusive of those working on the farms, compelled to work in industrial occupations in the year 1900 (the latest official statistics) is a severe indictment of American prosperity. Competent expert opinion say that later statistics will probably not show relatively much improvement in numbers of working children.

Even more tragic in many particulars is the fact that 191,023 child bread winners fourteen years of age and 310,826 fifteen years of age were harnessed to industry instead of being developed for greater future usefulness to the community by schools adapted to their needs. This vast array does not include the children on the farms, who at least have the advantage of outdoor air, although likewise deprived of educational advantages which ought to be their birthright.

In New York City alone there were 47,172 boys and 36,526 girls ten to fifteen years of age engaged as bread winners in occupations other than agriculture. Child labor means cheap labor and the effect of employing children is naturally to reduce the wages of adults and in some cases to increase unemployment for adults.

The laws of practically all of the states restrict or forbid child labor in some of its forms. The Progressive Party proposes to strengthen their enforcement, to widen their extent so as to include all possible occupations, and to raise the age limit as rapidly as possible to the sixteen year limit for most occupations, and even higher for specially dangerous occupations, as fast as provision can be made for the proper education and protection of children taken out of industry. In passing prosperity around, we would include the children.

(3) Minimum wage standards providing a "living wage" for working women.

It is scarcely less than hollow mockery to speak of prosperity and to believe that America is "a land of opportunity," when we find in a state like New York hundreds of industries that depend upon securing the work of helpless women at a pittance far too small to provide a decent living or to maintain health and physical energy. The device of the minimum wage has been discovered to establish a minimum standard below which no industry may depress the wages it pays. Unless an industry can pay a living wage we would prefer that it be driven from the state. As Father Ryan in his book on minimum wages and minimum wage boards says:

> "As a general rule an industry that is not self-supporting, that cannot pay living wages to all its employees, has no valid reason for existing."

Other countries have tried this device and found that it works well: Victoria, in Australia, has had minimum wage boards for sixteen years, and other Australian states and New Zealand likewise. Great Britain began in 1910 to establish wage or trade boards composed of representatives of employers and workers in equal numbers elected by their representative organizations and of members representing the general public, including the chairman appointed by the Board of Trade; the Board of Trade making the determination of its wage boards obligatory, and also reserving the right to suspend their operations. In Victoria, experience shows that wage boards have served to formulate common rules for the trade, to bring employers and employees into co-operative relations and to provide suitable machinery for the readjustment of wages.

Nor are they considered antagonistic to property interests. Eleven out of thirty-eight special boards in different industries in 1903 and 1904 were instituted upon application of employers. In 1910, 91 industries affecting 5,362 factories and 83,053 workers were under the operation of the act. In England, women chain makers had their wages doubled—which meant for a few hundred women at least economic independence compared with their previous condition of starvation and desperation. And this change came without a complaint from employers or customers. The better paid women made better chains, which sold for more money, and this tells the whole story.

The English law was then applied to machine lace-making, and then to paper box-making, the third industry which was pronounced a sweated industry, and the minimum wage fixed at 5½c and 6c an hour respectively. The paper box industry was widely distributed, and yet no difficulty was found in enforcing the law. Recently the making of men's clothing has been added to the list. This is the first industry in which both men and women are employed that has been put on the minimum wage basis, the rate established being 6½c an hour for women and 12c for men.

Finally, in this country, Massachusetts appointed a State commission on minimum wage boards in 1911, which found that 41 per cent of the candy workers, 10.2 per cent of the saleswomen, 16.1 per cent of the laundry workers and 23 per cent of the cotton workers, earned less than $5 a week. It found many women 18 years of age and over employed at very low wages and said:

> "It is indisputable that a great number of them are receiving compensation that is inadequate to meet the cost of living."

On the basis of this report the Legislature enacted a minimum wage law in June, 1912, which takes effect July 1, 1913, and provides for a permanent commission of three persons appointed by the governor with power to determine industries in which a substantial number of women employees are paid wages inadequate to meet the necessary cost of living and maintain them in health. In such industries the commission must establish wage boards made up of six representatives of employers and six representatives of the firm's employees, together with one or more disinterested persons representing the public. The findings of such wage boards, after public hearing before the commission and an opportunity for court review for any aggrieved employers, is enforced by the commission, through the publication in four newspapers in each county of the state of the names of the employers who pay less than the minimum wage so determined.

(4) The prohibition of night work for women, and the establishment of an eight-hour day for women and young persons.

In the case of People vs. Williams (June, 1907), the New York Court of Appeals declared invalid a law prohibiting the employment of women in factories between 9 p.m. and 6 a. m., despite the fact that eight months before, at Berne, Switzerland, delegates of over ten European nations committed themselves to an international treaty to prohibit such night labor for women. The British Government throws greater protection over the working women of Ceylon, Trinidad and the Fiji Islands in this matter of night work than the State of New York does over her growing girls.

The eight-hour day and prohibition of women's night work are the two most immediate needs of working women in this state. There were in 1910, according to the census, 300,000 women employed in factories and laundries. In addition, there were uncounted hundreds of thousands employed in department stores, restaurants and retail trade—all subjected to the exhausting pressure of industry, and all in urgent need of the protection promised by these two planks of the Progressive platform.*

New York leads all the states in the number of wage-earning women, and in the value of its manufactured products. It does not lead in labor legislation. Both California and Washington provide by law the eight-hour day for working women. The New York law still allows women to be employed 10 hours in one day and 54 hours in one week in manufacture; and in the exhausting service of the department stores and restaurants the working hours of women are absolutely unlimited by law.

The eight-hour day is imperatively needed to protect working women from impaired health and efficiency arising from over-fatigue and exhaustion.

Reasons for protecting women in industrial occupations from night-work by providing a fixed period of rest at night:

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* They would not apply to professional persons, such as singers, actors, newspaper writers, nurses or those in domestic service.

All nightwork has certain characteristics and unavoidable effects. The most obvious are loss of sleep and sunlight. The health argument against nightwork centers upon the inevitable physical damage due to lack of sleep and sunlight. Investigation among nightworkers has shown specific injuries to health. Such a term as "bakers' anaemia" tells its own story.

The injury to health from nightwork is all the greater, because sleep lost at night by wage-earners can rarely be made up in the daytime. Quiet and privacy for sleep by day are almost impossible to secure. Upon returning home in the middle of the night or at dawn, the workers can snatch at most a few hours of rest.

No form of women's work so interferes with home life as absence from home in the evening.

The moral dangers of night work are obvious; the dangers of the streets at late night hours; the difficulty for women who are away from home, of returning late at night to reputable living places; the lack of restrainments during employment at night.

Moreover, after continuous night work, working women tend to deteriorate in efficiency as well as in health. It is an acknowledged fact that wherever night work has been abolished long enough for industry to adjust itself to the change, prosperity has not suffered.

These are some of the arguments against night work. The platform of the Progressive Party is in line with progressive legislation of the three American states which have provided a period of rest at night for working women, viz.: Massachusetts, Nebraska and Indiana. Abroad fourteen nations of Europe have bound themselves by international treaties to provide this essential of health for women—the prohibition of nightwork.

The actual need for such legislation in New York is shown by the appalling hours at present worked in some trades. The United States Government report on wage-earning women and children show that women employed in the binderies of New York City were employed, respectively, for sixteen to twenty-four continuous hours once, and sometimes twice a week, during a long period of the year, that is, during four to seven months. The girl whose record of hours was most outrageous worked 24½ hours twice in twenty-one weeks. Her usual long day was 20¼ hours.

In laundries it has been found that nightwork is the rule rather than the exception on several days in the week. Work until 1 A. M. is not unknown, and employment until midnight has been found very common.

It has been universally found that the only practicable device to check nightwork is a closing hour in the evening, fixed by law, if the limitation of the workday is to be enforced and is to protect the workers in fact as well as in theory.

(5) One day's rest in seven for all wage workers.

A bill to establish a six-day week in New York State was introduced in the Legislature of 1912, one house of which was Democratic and one house of which was Republican, but it did not come out of committee in either house. California has adopted the principle of one day rest in seven in industrial employments. Many other states recognize the principle of Sabbath observance. European countries almost universally require a continuous rest period of at least twenty-four hours at some time each week.

Who actually have a seven-day week?

Among others, 49,166 railroad men and 3,705 trolley men in Minnesota; 3,745 union teamsters in New York; nearly 2,000 telegraphers in New York; 31 per cent. of the steel workers (United States Bureau Labor Report, 1911); 2,320 men in heat, light and power plants in Minnesota; 11,358 in hotels and restaurants; 1,081 drug clerks in Minnesota; 2,244 stationary engineers in New York in 1910; over 35,000 labor union men and over 10 per cent. of the total labor union membership reporting to the New York Labor Department in 1910. In Massachusetts, a joint committee of the Legislature reported after investigation in 1907 that 221,985 men in sixteen trades and call-

ings, *not including factories,* were employed on Sundays in that state.

"When, on February 4, 1910, three machinists in the Bethlehem Steel Works were discharged for daring to protest in behalf of their fellows against Sunday labor, thus precipitating one of the most notable strikes in this country, they not only raised issues which concern the 9,000 men employed in the steel works, but brought to the attention of the American public certain industrial problems which cannot be settled by capital and labor alone. The American people must assume their solution." —The Federal Council of the Churches of Christ in America; Report of the Special Committee of Investigation Concerning the Industrial Situation at South Bethlehem, Pa., p. 3.

(6) The eight-hour day in continuous twenty-four-hour industries.

Montana has an eight-hour law for hoisting engineers in mines operated more than sixteen hours a day. A federal law regulating interstate commerce provides a nine-hour day in offices open day and night. The International Association for Labor Legislation held a meeting recently in London to consider ways of securing a universal eight-hour shift for all workers in continuous processes. In 1911 the United States Bureau of Labor reported 50 per cent. of the workers in the steel industry working twelve hours a day. A committee of stockholders of the United States Steel Corporation reported: "We are of the opinion that a twelve-hour day of labor followed continuously by any group of men for any considerable number of years means a decreasing of the efficiency and lessening of the vigor and virility of such men."

In Germany, Switzerland, Norway, Austria and Russia, the government has power to fix the length of the working day for any industries where the health of the workers might be injured by long hours. In the United States the powers of government to regulate effectively the hours of adult males are doubtful. Many ineffective statutes exist but the courts are generally hostile if the statute does not permit "contracting out." Eighteen decisions by courts of last resort on laws concerning bakeries, mines and smelters have been handed down, eleven upholding them as within the police power, five adverse because of federal regulation, though affirming or implying their validity in the absence of federal statutes, and two adverse on constitutional grounds.

(7) The application of prisoners' earnings to the support of their dependent families.

The national platform calls for the abolition of the convict contract labor system, substituting a system of prison production for governmental consumption only, and the application of the prisoners' earnings to the support of their dependent families. "Under the present laws (of New York) none of the products of our own prisoners are put upon the open market to compete with the products of free labor; but the products of convicts of other states and countries are brought into this state and sold in competition with the products of free labor. As under the decision of the courts the state is powerless to prevent this, it is to be wished that there could be national legislation on the subject." In these words Mr. Roosevelt, as Governor of the state, described in a message to the Legislature the injustice to labor which the national platform will remedy by the application of the New York state system to the other states. Our state platform emphasizes the need of paying wages to the prisoners for the support of their dependent wives and children. Inefficiency and maladministration, under the bipartisan control at Albany reduced the profit of the prison industries so low that the 10 per cent. profit authorized by law to go to the prisoners' family has amounted to 2 cents a day, or about $5 a year, with no allowance for fines which are imposed. The prisoner's family is left destitute and exposed to the evils that follow in the wake of degradation and want. The innocent children are encouraged to follow the parent's waywardness by the inhumanity of the state which has deprived them of the support of their legal guardians. Governor Dix's ad-

ministration, while pretending to clean up the prisons, has left the old prison contractors, relics of the prison ring, in control to serve the bi-partisan politicians. In standing for wages which will go to the convict's family we fight for efficiency, the elimination of the old prison ring and advocate the application of business methods to the state's prison activities.

(8) Publicity as to wages, hours and conditions of labor.

(9) Full reports of industrial accidents and diseases, and the opening to public inspection of all tallies, weights, measures and check systems on labor products.

(10) The protection of the home by a system of insurance against sickness, irregular employment and old age, suited to American conditions.

(11) Compensation for death by accident and injury and trade diseases.

(12) Continuation schools for industrial education under public control.

(13) Organization of workers, men and women.

This far-reaching, but wholly practical programme, every portion of which is in successful operation elsewhere, places on the state greater responsibility for action than on the national government.

Wages are higher in the United States than they are in Europe. Nevertheless, competent European investigators, after studying American conditions, maintain that our wage-earners are no better off than their own. The higher cost of living here, particularly the higher rents, is one circumstance that impresses them. But even more important, they all agree, is our failure to develop any sort of adequate provision for wage-earners who because of accident, illness, unemployment or old age are unable to provide for themselves. European countries have made made such provision through their system of workingmen's insurance. The pioneer was Germany with her sickness-insurance act of 1883, her accident insurance act of 1884, and her old age and invalidity insurance act of 1889. Other countries were quick to follow this lead, until with the adoption by the United Kingdom of the National Insurance Bill last year, workingmen's insurance, more or less completely carried out, is as firmly established in European legislation as the regulation of the monetary system or free public education.

In this country workingmen's insurance is still regarded with distrust by people in comfortable circumstances, who have thus far largely directed our national policies. Though rendering lip-service to the ideals of fraternity and equality, the ideal which we have really followed has been that of liberty, which we have interpreted as "every man for himself." The national creed has been that wage-earners must learn to provide each for himself for the "rainy day." They should accumulate savings bank accounts and carry sickness, accident and old age annuity insurance policies, and then when the emergency arises they will be ready for it and will be beholden to no one. The simple and conclusive answer to this individualistic philosophy is that the great majority of wage-earners under present conditions cannot, or, at any rate, will not through voluntary, individual saving meet this issue. As Mark Twain once said of people living in New York City, "the cost of living is always a little more than they've got." They have to provide food for their families and the markets offer a constant temptation to spend more for food than they can afford. They must pay rent and in cities even the most they can devote to this item hardly serves to secure the decencies, to say nothing of the comforts and refinements, of life. They must send their children to scool and if possible keep them there after the fourteenth year, when the law says they may begin to be wage-earners. With all these demands upon the modest wages of even the better paid workers—not one-tenth of the wage-earners of the country earn over $1,200 a year—to save for the future is to deprive the family of something greatly needed in the present. Notwithstanding this, men ought no doubt to save. To spend for meat to-day when to-mor-

row there may be no bread is, of course, foolish. But the undeniable fact is that the great majority of wage-earners take long chances as to the future. Why make savings for the rainy day that may never come? The well man does not expect to be sick. The self-confident man employed at a dangerous trade—and only self-confident men will walk girders high in air or ply pick and shovel in the bowels of the earth—does not expect to be the victim of an accident. Everyone expects to get old, but will not Johnnie, who is playing over there, strike it rich when he is grown up and look after his old man? This is the way wage-earners reason about the future and how are you going to answer them?

Whatever you answer you can be sure that so long as providing for the hazards of the future is viewed as an individual problem, nothing you can say will convert the majority of wage-earners into savings bank depositors. It is only when dangers are considered as they affect all wage-earners collectively that the folly of not providing against them stands out so clearly that no one can question it. A certain proportion of them will be ill, a certain proportion will be injured, and, while some Johnnies do grow up to be millionaires, a certain proportion will be without means in their old age. For wage-earners collectively the need of funds accumulated in advance to provide for sickness, unemployment and old age is as certain as arithmetic. And it is just here that workingmen's insurance comes in. It is provision by wage-earners collectively through a competent and adequate system of obligatory insurance for the evils that they fail to provide against individually. The provision must be collective because it is only when sickness, accidents, unemployment and old age are thought of as they affect all wage-earners together that they are changed from individual hazards to social certainties. Also by having all join together in making the necessary provision, the expense to each is reduced to a minimum. It must be obligatory, because experience shows that those who need the provision most find it most difficult to make the small weekly contributions required of them unless these are collected from them, like taxes. And certainly to require citizens to contribute each his small part toward a purpose so clearly for the common benefit is of all forms of taxation the most just and reasonable. That it is so is proved by the fact that wage-earners themselves are its most earnest advocates. They are glad to be compelled to do things so obviously for their own good. It is not they who have opposed, for example, the great sickness insurance system that has just come into operation in the United Kingdom. It is rather the employers who are rightly required to contribute also toward this method of increasing the efficiency of their employees; the doctors who fear that adding to the number of public medical officers will injure their private practices; and comfortable people generally who cry "socialism" whenever any great plan of social betterment is proposed and denounce as "dangerous agitators" the proponents.

The working out of the details of a system of workingmen's insurance is, of course, no holiday pastime. Every effort must be made to encourage wage-earners to make supplemental savings to provide for other future needs. There is danger that some of those to be benefited may feign sickness or resolve not to return to regular employment until they are forced to and safeguards must be created to prevent frauds of this character. Finally, to collect small weekly premiums from millions of wage-earners must involve heavy outlays for administration, unless thought is devoted to making the machinery for collection as simple and inexpensive as possible.

Since the system of the United Kingdom has been the last to be established, it naturally combines some of the best features of the German and other systems. Under that system provision for the victims of industrial accidents, for the sick, for the unemployed and for the aged are kept quite distinct. The expense of paying moderate indemnities to the victims of industrial accidents is treated as one of the necessary expenses of production and imposed upon employers irrespective of the cause of the accident. As the scale

of payment is only half wages during disability and a maximum of $1,500 in case of death, British employers have been able to bear the burden without serious inconvenience. Employers may and generally do insure themselves against this liability, but insurance is not obligatory. Sickness and unemployment insurance, on the other hand, are through state funds to which the employees insured and their employers must contribute in about equal proportion. Employers are responsible for collecting the premiums and do so by the simple device of buying the special insurance stamps from the government and having them pasted each week, as a part of the regular routine of payday, on the insurance cards of their employees, deducting at the same time the employees' share of the cost of the stamps from their weekly wages. The cards thus become receipts from the government showing that all premiums have been paid, and are the basis for the claim for benefits in case illness or unemployment occurs. With the aggregate sums received through the sale of insurance stamps the government not only provides living incomes to sick and unemployed wage-earners, but it insures them free medical attendance, medicines and surgical apparatus, hospital care and in fact all of the conditions which medical science can provide to hasten recovery. Finally, for wage-earners who have passed the age of seventy and require this assistance, the government provides at the expense of taxpayers generally, small old age pensions.

Admirable and comprehensive as is this British system, some countries have gone even farther, at least in some directions. Germany now requires wage-earners to contribute enough to the insurance fund to provide for the widows and orphans of men who die prematurely. Italy even goes to the point of requiring all wage-earning women in the child-bearing period of life to contribute to a special insurance fund out of which incomes are provided for those who become mothers for a few weeks before and after the period of child birth. The significant fact about all these systems of workingmen's insurance is that the benefits that flow from them are so clear and incontestable that no country that has taken the first step toward their introduction has ever wished to recede it, while, on the other hand, every country that has once begun insuring its wage-earners has extended and expanded the system until it has become one of the most important branches of the public administration. In Washington and a few other states the United States has made an excellent beginning in providing insurance against industrial accidents. Is it not time that a serious effort on a national scale was made in this country to catch up with Europe as regards all of the important evils to be insured against? The earnest men and women who drafted the platform of the Progressive Party are of that opinion.

To do its part in carrying out this program, the Department of Labor should be reorganized; wholly separated from politics; new divisions created, and equipped with an adequate number of inspectors. It should be given full powers for the efficient enforcement of the labor law. It should have authority to make and enforce regulations subject to legislative control, adjusting general laws to particular localities and trades.

We favor immediate investigation of industrial disputes by the Department of Labor and the prompt publication of its findings.

We cannot hope for constructive, purposeful state action looking to the betterment of these conditions until radical reforms are worked in the labor law of the state, in the State Department of Labor itself and in the personnel of officials charged with enforcement of law.

Instead of the meager reporting of industrial diseases which is now provided for in the law, it should be the duty of employers and of physicians to report any and all diseases which may come to their attention, whether previously recognized as trade diseases or not, which have apparently arisen in the course of and as a consequence of the employment followed by the individual. The present criminal carelessness regarding dangerous and unsanitary

trades should be penalized by putting the economic burden of industrial disease on the industry, exactly as it is now generally conceded that the economic burden arising from industrial accidents should be borne by the industry.

The state department of labor should be reorganized. Officials of this department should regard their positions in the light of an opportunity to serve the people of the state. They should be regarded as among the most strategic of opportunities to do yeomen's service in rooting out disease and accident and injustice from the industries of the state. There should be so high a standard maintained for such officials that it would be inconceivable that any one of them should regard the mere holding of his job of any consequence in comparison with his opportunity to promote industrial well-being.

The powers of the Bureau of Labor Statistics should be enlarged and its force increased. It should be in a position to conduct investigations of a searching character at any time and at any place in the state where such an investigation might seem necessary or advisable. The Bureau should be primarily a bureau of investigation. Its work should be that of a bureau of permanent surveys, devoted to the study of the industries and of the conditions of labor in the state.

Medical inspection should be extended in its scope and a larger force of investigators provided.

Factory inspectors should be trained constantly by the supervising inspectors, and in other ways which could readily be worked out, so that they may become familiar with the latest methods in accident prevention and capable of co-operating with employers and workmen alike to the end that greater safety may exist in the factories and workshops of the state. They should be made to feel that their work is one of accident prevention and that to some extent at least their tenure of office is to be determined by their record in reducing accidents in their districts. They should be more active in actual field work, in inspection and in the promotion of safety within the factories and play less the role of clerks filling in record blanks.

Judges should be removed who constantly defeat the ends of justice and make law enforcement a farce by repeated suspended sentences.

There should be under the State Department of Labor a free employment office in every large city in the state, administered in the interests of employers and workmen alike, acting as bureaus of information as to wages, hours, strikes, union or non-union conditions, and so on, and they should act in an advisory capacity to immigrants so as to scatter them throughout the State to the places where they are needed and preventing their gathering to the point of congestion in particular localities.

These things call for statesmanship in the positions of authority in the State Department of Labor. Under present conditions, some of the qualities here demanded cannot be secured. They will become possible only when those occupying these positions of authority can depend for the tenure of their offices not upon the bosses but upon the people, and when the civil service provisions shall be extended to all positions in the department and it shall be impossible for a Governor or the Civil Service Commission to remove positions from the protection of the civil service law.

We favor the prompt passage of the pending constitutional amendment relating to workmen's compensation, and the enactment thereupon of a thoroughgoing workmen's compensation act.

In the State of New York the situation is unique owing to the fact that the Workmen's Compensation Act recommended by the Commission on Employers' Liability in March, 1911, was declared unconstitutional by the Court of Appeals. In the course of its opinion the Court recommended having recourse to a constitutional amendment, saying:

> "In arriving at this conclusion we do not overlook the cogent economic and sociological arguments which were urged in support of the statute. There can be no doubt as to the theory of

this law. It is based upon the proposition that the inherent risks of an employment should in justice be placed upon the shoulders of the employer, who can protect himself against loss by insurance and by such addition to the price of his wares as to cast the burden ultimately upon the consumer; that indemnity to an injured employee should be as much a charge upon the business as the cost of replacing or repairing disabled or defective machinery, appliances or tools; that, under our present system, the loss falls immediately upon the employee who is almost invariably unable to bear it, and ultimately upon the community, which is taxed for the support of the indigent; and that our present system is uncertain, unscientific and wasteful, and fosters a spirit of antagonism between employer and employee which it is to the interests of the State to remove. We have already admitted the strength of this appeal to a recognized and widely prevalent sentiment, but we *think it is an appeal which must be made to the people and not to the courts.*"

Last year a constitutional amendment which received the endorsement of the State Bar Association, the State Federation of Labor, the New York Association for Labor Legislation and others, was passed by the Senate and Assembly in New York. Under the New York Constitution this identical amendment must again be passed by both Houses before it may be submitted to the people for their approval. Members of the Legislature and their constituents should bear well in mind the distinction between a constitutional amendment and a statute. The amendment is merely permissive, it states what law the Legislature may enact if and when it sees fit, not what it shall enact. Thus it may well be that "state insurance" is not now deemed practicable, or, again, that it is not now desirable that controversies in relation to industrial injuries should be adjusted "without trial by jury." But, on the other hand, it may very well happen that with improvements in the mahcinery of government, at some future time the sound judgment of the people of this state will favor both of these features of a compensation system. Accordingly, it is the part of wisdom to permit them to propose such legislation if and when they see fit so to do. Upon the introduction of such legislation, if that should come, full opportunity will be afforded to decide what course to pursue in the light of the experience and needs of the time.

The amendment in question is in the words following:

> "Nothing contained in this constitution shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health or safety of employees; or for the payment, either by employers, or by employers and employees or otherwise, either directly or through a state or other system of insurance or otherwise, of compensation for injuries to employees or for death of employees resulting from such injuries without regard to fault as a cause thereof, except where the injury is occasioned by the wilful intention of the injured employee to bring about the injury or death of himself or of another, or where the injury results solely from the intoxication of the injured employee while on duty; or for the adjustment, determination and settlement, with or without trial by jury, of issues which may arise under such legislation; or to provide that the right of such compensation, and the remedy therefor shall be exclusive of all other rights and remedies for injuries to employees or for death resulting from such injuries; or to provide that the amount of such compensation for death shall not exceed a fixed or determinable sum; provided that all moneys paid by an employer to his employees or their legal representatives, by reason of the enactment of any of the laws herein authorized, shall be held to be a proper charge in the cost of op-

erating the business of the employer."

We pledge ourselves to laws securing adequate fire protection to the factory workers of the state.

The modern twelve-story loft building used for manufacturing purposes houses from 500 to 1,500 workers. If there are two means of vertical exit, that is, two interior fireproof stairways or one interior fireproof stairway and one outside iron stairway, the building meets with the present legal requirements. The outside iron stairway may open at the bottom into an enclosed court from which there is no exit. In case of fire this would serve as a veritable trap for persons using it, and yet this must be counted as a legal exit.

1. An act of legislature should so describe an exit as to insure direct access to the street or a place of safety from every exit, even in buildings now built.

When in such a building there are two good interior fireproof stairs with direct openings to the street, the building is still unsafe for the occupants in case of fire. Without regard to the location of the fire every one in the building attempts to get out at once, and the result is the clogging of the two stairways by human beings who cannot all be accommodated at once. The expert engineers reckon that twenty-eight persons per floor is the greatest number which can in safety leave a building by means of an ordinary 36-inch stairway. If there are two of these stairways fifty-six persons per floor can get out of a burning twelve-story loft building. Many floors have from 100 to 200 people and on those floors there is likely to be heavy loss of life, and since these two stairways offer exit facilities for only 678 people, there would be from 300 to 700 people unprovided for in most loft buildings. The possibility of disaster is appaling and there should be:

2. An act of legislature which shall limit the number of occupants of any building used for manufacturing to the number which can leave the building by the exits provided, with a margin of safety. The capacity of various kinds of exits has been determined by expert engineers, all of whom regard the horizontal forms of exit as having such a degree of efficiency as to warrant only a slight limitation of occupancy for buildings and floors having such means of escape. Such a law would insure safety from fire to all occupants of manufacturing buildings, would encourage the development of the better types of factory and loft buildings, and discourage the maintenance of the ramshackle old fire traps still common in some sections of the larger cities.

In spite of the fact that the tragic results of the Triangle fire showed that doors which open inward constitute a menace to life in factory buildings, there are still hundreds of buildings in which all the doors open inward. The present law on the subject requires that doors shall open "outward when practicable." The word "practicable" makes possible many mistakes in judgment and the continuance of many inward opening doors.

3. There should be an act of legislature requiring all doors in factory buildings either to open outward or to be so constructed as to slide freely.

In all the large cities of the state and in many of the smaller towns there are large numbers of old-non-fireproof buildings which are in such condition as to prove an actual death trap in case of fire. In such buildings the stairways are usually of wood and unenclosed, and frequently so constructed that in case of fire they act like a chimney and are useless as a means of exit. Reliance for exit is placed on one or more outside iron balcony fire escapes, reached by windows and connected by either stright or slightly sloping (60 degrees) narrow ladders. These fire escapes are dangerous in themselves, as the heat of the burning building often warps them and they are so fragile that they sometimes give way under the strain which is put upon them by the crowding of the workers on them. Even if these escapes hold firm they do not furnish adequate exit for any large number of people—people, especially women, cannot go down the

narrow ladders with the same rapidity as on regular stairs, and the balconies and stairs are too narrow to permit of several persons going down abreast. Thus, in case of a bad fire in an old building so equipped, there is likely to be a heavy loss of life. There should be:

4. An act of legislature which shall require in all existing factory buildings where any considerable number of people are employed above the ground floor, that all stairways shall be made fireproof and enclosed, or that fireproof, smokeproof outside enclosed towers be added to the building.

We favor radical and persistent attack on congestion of population, bad housing, and all other preventable causes of poverty.

There are many efforts to attack the evils of the congestion of population in our large cities with which the state might more actively co-operate and assist. Especially do the tenement house laws need strengthening and the pernicious and selfish attacks upon the tenement house law that are made at every session of the Legislature by sinister forces representing thoroughly bad real estate and building interests, in efforts to amend the law must be repelled. More rigid inspection and regulation is needed to protect adequately the homes of the poor.

We favor the enforcement in letter and spirit of the Empire State's laws forbidding discriminations on account of race, creed or color.

Not only is the negro subjected to unjust and often illegal discrimination in hotels, restaurants and public places which could be checked by better enforcement of existing laws, but also the state owes him more help in securing advantages such as the opportunity for military training in connection with the National Guard, where a special negro regiment might be organized as has been done so successfully in Illinois and Ohio, and special encouragement to advance in physical and intellectual development and in a spirit of pride in public service in which he is permitted to take an honorable part.

We favor, as a factor in reducing the cost of living, a better supervision of the marketing of food products.

The Progressive party demands progress in municipal control of the sale and distribution of the people's food supply.

European cities have reduced this system to a science. In those cities the cost of food is considerably lower than in New York in spite of our cheaper means of transportation and greater productivity of farm soil.

Our party insists upon public control of the sale of food in this state. A Department of Markets should be established similar to the Department of Police and Department of Health. This Department of Markets should erect new six story buildings which could be self sustaining in place of the present one story market buildings in New York which entail a loss of $40,000 a year on the tax payers of the city. It should investigate and prosecute all complaints against unjust monopoly, unjust competition, unjust combinations of dealers in food stuffs, unjust discrimination of railroads. Inspection and sanitary conditions of food and its sale should be under its supervision, also honest weights and measures. The collection of rents and the care of market buildings and the sale by public auctioneers of the oversupply of our food products should be under its jurisdiction. At present all of these functions are divided among the various City Departments and are neglected.

The congestion of traffic along the North River piers where New York's food supply is received adds greatly to its cost to the consumer. An interior wholesale market building should be constructed to save this unnecessary expense.

Markets in the Bronx and Harlem must have their day's supply from these North River piers south of 14th St., Manhattan. Branch local markets should be constructed in these outlying districts with railroad connection, to reduce this uneconomic waste in hauling.

Cold storage cars are now unloaded on the piers and eggs, butter and poultry are trucked across the city in the hot sun, thus spoiling annually

$3,000,000 worth of this product. This item could be saved in toto to the consumers by unloading these refrigeration cars directly into the central market.

All of these improvements have been successfully in operation in Berlin and Paris for sixty years. New York can make these savings by imitating their progressive ideas.

(17) EDUCATION.

The public school is the most efficient aid to democracy, and we favor its maintenance everywhere at a high standard. We favor practical instruction in matters of immediate concern to each community—agriculture and forestry in rural regions and smaller towns—industry and commerce in the cities, homekeeping and citizenship everywhere.

The movement for the wider use of school houses has our hearty endorsement.

Larger direct participation by the people in the affairs of government, which the Progressive platform demands, necessarily implies a general and effective system of education. The schools of the Empire State have justly been its pride, but they are not perfect. In 1890 only seven of the American states had a smaller proportion of illiterate children than New York; in 1900 New York had fallen to the fourteenth rank. This last remnant of illiteracy should be removed.

Heretofore the schools have concerned themselves chiefly with academic subjects. They should also give information and instruction in matters of immediate concern to their pupils in later life. The important facts about soils, crops and live-stock should be taught in rural schools. The study of the characteristics, uses and value of trees, which the child sees daily, is as interesting and as useful for mental discipline as the study of the lakes and rivers of lands which he will never see. In cities it is equally practicable to give instructions in trades, industries and commerce. In city and country alike there should be taught to the housekeepers of the future the important facts in regard to household sanitation, cooking and hygiene. The health and happiness of coming generations will thereby be promoted. The supreme duty of good citizenship, the nature and purposes of local, state and national government should be taught to all.

School houses and the equipment and grounds connected therewith represent an enormous investment, used at present to but a small part of its possibilities. They should be available for all legitimate community uses, lectures, entertainments, social and political activities. In Rochester, public school buildings are used as social centers for evening meetings of adults for the discussion of civic and political questions, and a special director of such work has been appointed. Governor Hughes, in inspecting these school social centers, said to the people of Rochester: "I am more interested in what you are doing and what it stands for than in anything else in the world. . . . You are buttressing the foundations of democracy."

(18) HEALTH.

We favor vigorous state and local activity in the protection of public health. Tuberculosis can and must be eliminated. There should be expert medical inspection of all school children.

In the State of New York there were in 1911, 145,538 deaths. Only 46,821 of these were persons more than sixty years of age; 54,857 were

persons in the productive period of life, between the ages of twenty and sixty; 43,860 were persons under twenty years of age. The highest medical and sanitary authorities tell us that at least one-third of all these deaths could be prevented; that the average length of human life could thereby be increased by at least fifteen years. This result, aside from preventing an enormous volume of suffering and distress, would substantially reduce the cost of life insurance, and enormously increase the productive capacity of the people of the state. Medical science has discovered many methods of preventing disease, which can only be applied by wise community action. There is a state department of health, and there is a health authority in every city and in every town. As yet, largely through lack of resources, these health authorities have accomplished only a small fraction of what it is perfectly practicable to accomplish with our present knowledge.

The largest opportunity for immediate community action in saving life is the prevention of tuberculosis. The deaths from this disease in New York State in 1911 numbered 16,518 —more than eleven per cent of the total. The annual money loss in this state alone from this disease is fixed by the highest statistical authority at $65,000,000. The measures for eliminating tuberculosis, saving 16,000 lives per year, and $65,000,000, are, hospitals, visiting nurses, dispensaries and special relief for the families of those afflicted. The death rate from tuberculosis is falling, but it can be made to fall very much faster. Nevertheless, Governor Dix vetoed each year an appropriation for the prevention of tuberculosis for the State Department of Health, and also an appropriation for the establishment of a school of sanitary science.

Next to the control of tuberculosis and other contagious diseases, the greatest opportunity to promote health, physical vigor and efficiency, is through the discovery and correction of those comparatively trifling ailments and disturbances of childhood, which develop into serious diseases or handicaps in middle life. Careful medical inspection of school children not only prevents contagion, but discovers many conditions easily remedied, which, unattended to, would lead to serious results. Medical school inspection notifies parents of conditions needing attention, without interfering with their right to meet the need in whatever way they think best. Length and fulness of life would be greatly increased if medical school inspection, already in effect in many cities, were uniform throughout the state.

(19) CONSERVATION.

Our water power and other natural resources are the heritage of the people. They should be dedicated to the common benefit, and developed under state control. The policy should be enforced that neither state nor privately owned natural resources may be used to the detriment of the public welfare.

The state holdings in the forest reserve should be greatly extended, and so administered as to combine intelligent conservation with a wider popular use. The reckless deforestation of privately owned forest lands should be prevented by careful regulation in the common interest. Franchises for the private use of public natural resources should not be granted for nothing forever.

In the water power of the Niagara and St. Lawrence Rivers, and the numerous streams rising in the Adirondack, Catskill and Alleghany Mountains, the people of this state have an enormous asset, toward which private greed is already stretching out its eager hands. It is

officially and conservatively estimated that within the state, undeveloped water power available for the production of light and power for industrial uses equal to that produced by the consumption of 15,000,000 tons of coal, is annually going to waste. That the electrical energy created by water power can be transmitted and utilized for a distance of at least 250 miles has been amply demonstrated. To every municipality in the state an abundance of electrical energy could be supplied to meet all municipal lighting and kindred needs, and this energy could be sold to private consumers at prices far less than those now paid. These sources of water power, now wholly owned by the state, would provide energy equal to 400,000 horse power, in addition to which the equivalent of 1,000,000 horse power is claimed to be privately owned. After careful inquiry, the highest authorities state that the undeveloped water power is amply sufficient to provide for every requirement of light and power on the part of municipalities and commercial enterprises.

The Province of Ontario has established a public Hydro-Electric Power Commission which now supplies electric current derived from water power to some thirty municipalities, including the cities of Toronto, Ottawa, Hamilton and London. Scores of other applications from municipalities are pending. The current is supplied at little more than one-third the cost of producing it by the consumption of coal. The cost of production, and thereby the cost of living, can be greatly reduced for the benefit of the future generations of the state if its undeveloped water powers are utilized under state control, and for the equal benefit of all the people of the state.

The utilization and development of water power requires the development of a consistent policy as to forestry. Not only the large holdings of the state, but also forest lands privately owned, must be brought under a careful control and regulation in the interest of the people as a whole.

(20) IMMIGRATION.

We favor the development of the State Bureau of Immigration and Industries.

We favor the education and protection of the immigrant, and the intelligent distribution of alien labor through state employment exchanges or otherwise.

Have you sent your money to your family abroad and learned that it never arrived or that it was delayed many months? Were they in want when you thought they were happy and well fed?

Have you sent your wife and children a steamship ticket and had them held for weeks at the port of departure, friendless and alone, and even sent back to their homes because the ticket was "not good," or you had bought it on installments and it was stopped when you were promised it would be sent right off? Don't you wake up nights and hear the words "the ticket is no good," or "the ticket was stopped," and you thousands of miles from those you love, stranded in a strange city?

Have you trusted your countryman and put your savings in his private bank and awakened some morning to read that he had run away, or had shot himself because he couldn't pay his debts; and have you gone there and stood in the streets with thousands of others in the hope that you could save something and as the weeks went by realized that you had to begin all over again?

Have you come to this country with money saved from your work or the sale of your little home, or, when going back with your savings, have you been met by runners and porters and hackmen and expressmen, who not only charged you fabulous prices for telling you the way, but gave you bogus money or robbed

you of all you had, so that the long days of toil were robbed of the sweetness of their reward?

If this has happened to you, it is time you protested against these outrages. If it has not happened to you, it has happened to thousands of your countrymen and they need your help.

New York is crying for labor in its industries, on its public works, on its transportation lines, on its farms! Why do men come and go? Why do they warn their fellow countrymen against these opportunities? Why do so many men come alone, leaving their families abroad?

They answer by asking us Americans these questions:

Have you found it hard to get a job and then paid a big fee for the job?

Have you worked under a boss and had deducted from your wages each week money for supplies you did not buy or for food you could not eat?

Have you paid a commission to a boss for a better job or a fee to the foreman to live in a company house?

Has your pay been held back and have you found it hard to collect all that was due you when you were discharged?

Have you had to live in shanties and railway cars in which you would be ashamed to have your family see you?

Have you slept out of doors on the ground or built your shed because the conditions in these shanties and cars were so bad, and had to pay rent no matter where you slept?

Have you been sent out to a job and found when you got there that the work was different from what you were told, the pay less and the hours longer? Have you been told that your fare would be paid and then had it taken out of your wages when you could not spare it?

Have you paid a fee and then been dismissed at the end of a few weeks to make room for a countryman who had money for another fee?

Are you not tired of going by a brass check number? If you lose it no one knows who you are. If you are killed while at work who is to notify your family in the home country that "No. 726" was its breadwinner?

Have you been hurt and settled your claim before you knew you would be crippled for life? Have you had most of the settlement taken by a lawyer? Have you been thrown out of your job as soon as you were hurt, without any money or friends to help you get the benefit of such laws as now exist? How many times have you been told you had no claim on the company that any claim for settlement would cost you your job?

There are enough jobs to go around. The system of dealing with unemployment and unskilled labor is at fault.

(21) THE UNFORTUNATE.

We favor liberal provision by the state for its dependents. Immediate institutional provision should be made for all the feeble-minded unsuitable for home life.

The state provides institutions for the care, treatment and protection of the unfortunate. While large sums have been so expended, there has not been a consistent and uniform provision from year to year for the most urgent needs. The hospitals for the insane are seriously overcrowded, having at least 5,000 patients in excess of their proper capacity. Of the feeble-minded, estimated at 30,000 in all in this state, only a small fraction has been provided for. The training schools for wayward children are unable for lack of space to receive many committed to them by magistrates.

The Progressive party holds that sound public policy requires that the state make generous provision for its dependents, sufficient to enable each institution to actually accomplish the purpose for which it was established; always looking towards cure and prevention, by curing the curable, teaching the untrained, reforming the wayward, providing home teaching and industrial oppor-

tunities for the blind, the most skillful treatment for the crippled and disabled, and kindly custodial care for the mentally defective. A large part of pauperism, vagrancy, vice, disorder and crime is due to inherited mental defect. This defective stock will continue and increase, unless, by custodial care in state institutions, it is prevented from perpetuating its kind. A moderate investment in custodial institutions for the feeble-minded would save many times its cost.

(22) A REAL STATE BUDGET AND TAXATION REFORM.

We denounce the present state administration for its failure to carry out the laws looking toward a real state budget, adopted during the administration of Governor Hughes.

We favor the adoption of a thorough budget system.

We deplore the complexity and the inequity of our present tax laws and favor the creation of a commission to consider carefully the reform of our State and local taxation.

A good budgetary system would save the State thousands of dollars. It would provide:

A. That by November 15th of each year every head of a department shall have filed with the comptroller a statement in detail of all moneys, together with reasons therefor, for which any general or special appropriation is desired at the ensuing session of the legislature, and

B. That within a month thereafter, by December 15th, the comptroller shall make a tabulation of such statements and reports, in printed form, accompanied by comparative data and estimates of income, together with such comments and a statement of such other matters as he shall deem necessary and proper *for the full comprehension of such tabulation,* and shall submit such tabulation to the Governor immediately and to the legislature on the first day of its next session.

The conditions with regard to the budget are practically the same now as they were when Governor Hughes sent his message of May 22, 1909, to the legislature. Those who must recommend or ask for appropriations, and the legislature that must vote on the granting or refusal of appropriations for government business, have no means of securing adequate advance knowledge of departmental estimates or reports based on facts found out by preliminary inquiry, but must make decisions without proper comparative examination of previous experience and without a knowledge of the probable total of governmental expenses and the facts upon which a just apportionment of the State's income can be made to meet the needs of its public expenses. All of this means that:

1—Making the budget for New York State is now largely a matter of gambling because it involves working in the dark.

2—The legislature as a whole cannot and does not take part in budget making.

3—The public and the press cannot and do not take part.

4—Sub-committees must take arbitrary action on items totaling millions.

5—Log rolling and extravagance are encouraged.

6—Worthy objects are placed at a disadvantage in competition for funds with objects backed by powerful influence.

7—Comprehensive planning for state development is impossible.

Neither of the present parties wishes to change this state of things. They "love darkness rather than the light because their deeds are evil."

In 1909 items calling for $3,425,650 were vetoed by Governor Hughes for such reasons as these:

1—This item is objected to as un-

necessary and inexpedient at this time.

2—The appropriation is inadequate to meet the expense outlined.

3—This is a duplicate item.

A thorough state budget would make impossible a duplicate item, a request for a sum obviously inadequate to do the work contemplated, or a request for an appropriation without information vouching for its necessity or expediency.

A thorough state budget system necessitates:

1—That uniform schedules be sent to departments immediately upon organization of the legislature, calling for statements of proposed cost for the various kinds of work to be done.

2—That departmental estimates be made out according to these schedules and submitted to the legislature, the press and interested citizens.

3—That recommendations of the senate and assembly committees be made public and printed far enough in advance of the introduction of appropriation bills to permit of adequate discussion.

4—That items voted be segregated so that money voted for one purpose cannot be used for another.

5—That post-budget vouchers be audited against the several budget appropriations, so that departments cannot exceed their authorization and necessitate the extra "annual supply bill."

6—That formal taxpayers' hearings be held by the legislature.

7—That accounts be so kept as to indicate as far as possible what 100 per cent of the department needs will be, so as to obviate special requests for deficiencies.

In reaffirming the National Platform of the Progressive Party, the party in this State pledges itself not only to the reform of state taxation but also to the ratification of the pending amendment to the Constitution of the United States, giving the government power to levy an income tax. This amendment was approved by the legislature of New York and the approval repealed by the last legislature in Governor Dix's administration. The National Progressive Party also pledges itself, and we affirm the pledge and promise to do our part to secure its fulfilment, with respect to an inheritance tax as follows: "We believe in a graduated inheritance tax as a national means of equalizing the obligations of holders of property to government, and we hereby pledge our Party to enact such a federal law as will tax large inheritances, returning to the states an equitable percentage of all moneys collected."

(23) STATE PRINTING.

We believe that the state should do its own printing and establish a plant therefor.

We would end the wasteful and useless publication of session laws in newspapers. We recommend instead the establishment of a State Bulletin for the publication of session laws and official notices.

A complete printing plant, capable of producing all of the printed supplies and documents for the three branches of the state government and text books for the public schools, would give to the Empire State a more economical system of printing, abolish a nasty scandal that has existed for generations and ensure accuracy of legislative printing and prompt publication of departmental reports now usually delayed from one to four years and thus made virtually useless. Organized printing trades workmen have for many years promoted a bill in the legislature to establish such a plant. They know the need of such an institution and believe it will serve the best interests of the state and its people by assuring accurate and timely printing of state reports, documents and supplies and thus obviating all delays caused thereby and also by the saving of

state moneys by the direct employment of the skilled and unskilled labor engaged in its production.

By the erection of a state printing office, all of the state printing will be under the supervision of a state printer, selected for his knowledge of the printing trade, which will lead naturally to a systematic production of printing, responsive to the needs of the state, and decrease waste to a minimum. It has been shown by expert opinion, presented to committees of the legislature in support of a state printing house bill, that such a plant can be erected for a sum of money and administered at a cost that will show a saving to the state on the present contract cost of such printing.

In the matter of supplying text books for schools an enormous saving can be effected. They are now supplied by a book trust, and the workings of the system tend to hamper free text books in schools, impose hardships on parents, and retard the education of our youth.

The New York State Federation of Labor, in session at Poughkeepsie on September 19, 1912, re-endorsed the bill to create a state-owned and state operated printing plant to produce state printing.

For publishing the session laws and for printing official notices the State pays to the papers of each county approximately $6,000. The amounts paid to the papers of New York and Kings Counties are, of course, very much in excess of this sum. In the year 1911 the amount paid to newspapers by the state for printing the session laws and official notices was $488,288.30. It has been stated on good authority that this could be done for half that sum if the state were to undertake the work itself.

(24) NON-PARTISAN CONSTITUTIONAL CONVENTION.

We favor the convening of a State Constitutional Convention at the earliest possible time, the members thereof to be elected on a non-partisan basis.

"Some men look at constitutions with sanctimonious reverence; but institutions must advance and keep pace with the times."—Thomas Jefferson.

The last constitutional convention in the state of New York was held in 1894, and the new constitution proposed by that convention went into effect January 1, 1895. The eighteen years since 1894 have been a period of extraordinary social and industrial development, and of rapid evolution of political institutions and ideas. Recognizing the necessity for a revision of the constitution from time to time at the will of the people, the constitution itself provides that the question of calling a new constitutional convention shall be submitted to the voters at the regular election in 1916 and every twentieth year thereafter, or at such other times as the legislature may by law provide. If the matter is left to take the regular course the earliest opportunity which the people will have to vote upon the question of calling a constitutional convention will be four years hence. If the vote at that time is favorable the delegates to the convention will be elected in the autumn of 1917, and will meet in convention on the first Tuesday of April, 1918. There is no limit upon the time which the convention may take in drafting a new constitution, but if its work is completed in time for the submission of the new constitution to the people at the fall election of 1918, the constitution, if ratified, will go into effect on January 1, 1919. It is to be noted, therefore, that more than six years would elapse before the constitution would be revised if the legislature did not exercise its constitutional option of submitting the question of calling a convention to the electors before 1916.

Many of the most urgent reforms advocated by the Progressive Party and demanded by public opinion generally cannot be effected except by the amendment or revision of the state constitution. These include such

important matters as municipal home rule, the application of the short ballot principle to the state government, the initiative, referendum and recall, the extension of suffrage to women, the increase of the Governor's power over appropriation bills, and the establishment of a satisfactory scheme for workmen's compensation. The constitutional changes required in order to effect these reforms are so numerous and complex as to demand the careful consideration of a representative constitutional convention charged with the duty of giving the constitution a complete overhauling. The attempt to incorporate all these changes in the constitution by a series of separate amendments submitted by the legislature might result in confusion and an unsymmetrical constitution.

The present constitution provides that in case a convention is called it shall consist of fifteen delegates at large and three delegates elected from each senate district, making a total membership of 168. It is of the utmost importance that in providing for the calling of a constitutional convention, the legislature shall provide for the nomination and election of delegates without reference to party primaries or party designations. The questions to be passed upon by the constitutional convention are questions affecting the whole people, upon which there is no clear division of public opinion along party lines. The nomination of candidates by petition and their election by the people on a non-partisan ballot would not only prevent the control of the convention by party machines and the confusion of the convention's deliberations by partisan spirit, but would also tend to prevent the great special interests which seek to dominate the Empire State from controlling the convention through their well known alliance with established party organizations.

The question of calling a constitutional convention should be submitted to the people at the fall election in 1913, so that a revision of the constitution may go into effect not later than January 1, 1916.

SEPARATE RESOLUTION

Adopted by the Convention Immediately Following the Adoption of the Platform

We, the National Progressive Party of New York State, to provide for the carrying out of the pledges of the platform heretofore adopted, do hereby resolve:

(1) That a committee of nine members be created by this convention, such committee to be appointed by the permanent chairman, with the advice of the chairman of the state committee, to be known as the legislative committee of the Progressive Party in the state of New York, and to have the power to add to its membership six persons, who may or may not be members of this convention.

(2) That the said committee be authorized and directed to draft such bills or amendments as, in its discretion, will carry out the pledges of our platform, and to appear as the representatives of this convention and of our party in this state, before the legislative and executive branches of government for the purpose of demanding that the pledges of our platform be enacted into law.

(3) That this committee hold office until the convening of our next state convention and that it be empowered to fill any vacancies in its membership caused by death, resignation or otherwise.

(4) That this committee have power to do whatever is necessary and proper for the carrying out of these purposes.

(5) That when this convention adjourns, it do not adjourn without day, with the understanding that at the call of the state committee, upon the recommendation of the legislative committee, it may be brought together again for the purpose of reaffirming our demands as the Progressive Party in New York state, or for such other business as the convention may elect.

Chauncey M. Depew is quoted as having once said: "Party platforms, like train platforms, are made to get in on and not to stand on." That remark, doubtless made in jest, was a cynical statement of truth as to the status of party platforms and party pledges under the old political order. If the National Progressive party in the State of New York, at its State Convention at Syracuse on September 5 and 6, had deliberately sought the most effective way of differentiating itself from the old-party attitude with which the voters of the Empire State are familiar, no more effective way could have been devised than the creation of a permanent legislative committee to work all-the-year-round for the fulfillment of the platform pledges. Thereby the New York State Progressives differentiated themselves from the old order of convention procedure, not merely in the form and contents of their platform as adopted, but also in their attitude towards that platform and those pledges after the same had been promulgated as a covenant with the people.

Long after many of the incidents of that dramatic convention have passed from memory, the so-called "separate" or supplemental resolution, reported from the Platform Committee and adopted immediately following the adoption of the platform itself, will be recalled as marking a distinct step forward in making party organizations responsible for the fulfillment of party pledges and giving to the rank and file of party workers an ethical obligation that only pledges which are meant shall be made and that pledges which are made shall be kept. The platform itself was in terms a "covenant with the people" as to a series of definite and understandable propositions. The passage of this resolution proved that the new party regards this "covenant" as binding.

This action was thoroughly in accordance with the spirit of the new party. It was an action of which politicians of the old order would have been incapable. It was a voluntary acceptance of a continuing party responsibility at which politicians of the old school would have stood aghast. As a "doubting Thomas" still in Democratic ranks said after the adoption of this resolution: "These people must mean business; they certainly have their nerve with them, to undertake to stand by their platform that way. They can't be thinking about the possibility of failure." That cynical comment expressed the exact truth. The resolution crystallized the sentiment of men of affairs thoroughly in earnest. These men probably knew little about "practical politics," so-called, but they did know a great deal about what the party had pledged itself to and how great is the need for the actual immediate carrying out of the same.

Thus it comes about that whether or not the Progressive National ticket wins or loses, whether or not the Progressive State ticket in New York wins or loses, whether or not the next New York Legislature is Progressive or still Tammany-ized and Barnes-bossed, there will be found in the State of New York an alert, aggressive, earnest body of men, "on the job" all the year, for the creating of sentiment and the formulation of suitable legislation for the carrying

of the excellent pledges of the Progressive platform—a document which Governor Wilson was compelled in candor to admit was "an admirable platform" deserving of the careful consideration of the leaders of the other political parties. If any voter anywhere is inclined to doubt whether the Progressive party is a permanent affair or whether it is but an uprising for one campaign, the creation of this permanent Legislative Committee in New York, following on the heels of action looking to similar ends in Pennsylvania, should be sufficient to show that the Progressive party is the permanent and effective exponent of the new political order.

An interesting feature of the New York situation is that the appointment of this permanent committee will fall to Oscar S. Straus, the Progressive nominee for Governor, in conjunction with State Chairman Hotchkiss. The appointments will be made in the course of the campaign, and the committee will proceed with its work irrespective of the result of the campaign. Funds for the legitimate expenses of the committee will be provided from the funds of the party—what higher and more privileged use of party funds could there be than the carrying out of the party pledges *after election*, rather than merely using them to *obtain office* before election? Mr. Straus has let it be known that in the exercise of the appointing power vested in him as permanent chairman of the convention, he will take pains to secure men of intellectual vigor, moral force and representative standing, such that the committee may at once become a civic force such as the commonwealth of Barnes and Murphy never knew before. No action taken by the convention is deemed by him more significant and more important.

"It is an admirable ticket and an admirable platform."

WOODROW WILSON.

"We haven't said in our platform anything we think we cannot realize in practice if we are given the power.

"We don't promise the millenium, but we do intend to try and make this country more decent and to give every man and women a better chance to lead their lives.

"We, here in America, hold in our hands the hope of the world, the fate of the coming years; and shame and disgrace will be ours if in our eyes the light of high resolve is dimmed, if we trail in the dust the golden hopes of men."

THEODORE ROOSEVELT.

"I invite the votes of all men who stand squarely [illegible] platform."

OSCA[illegible]

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